EXHIBIT B UNREDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 2 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY MICHAEL A. JACOBS (CA SBN 111664) 1 MJacobs@mofo.com 2 ARTURO J. GONZÁLEZ (CA SBN 121490) AGonzalez@mofo.com 3 ERIC A. TATE (CA SBN 178719) ETate@mofo.com RUDY Y. KIM (CA SBN 199426) 4 RKim@mofo.com MORRISON & FOERSTER LLP 5 425 Market Street 6 San Francisco, California 94105-2482 Telephone: 415.268.7000 7 Facsimile: 415.268.7522 8 KAREN L. DUNN (Pro Hac Vice) kdunn@bsfllp.com HAMISH P.M. HUME (*Pro Hac Vice*) 9 hhume@bsfllp.com BOIES SCHILLER FLEXNER LLP 10 1401 New York Avenue, N.W. Washington DC 20005 11 Telephone: 202.237.2727 12 Facsimile: 202.237.6131 13 Attorneys for Defendants UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC 14 UNITED STATES DISTRICT COURT 15 16 NORTHERN DISTRICT OF CALIFORNIA 17 SAN FRANCISCO DIVISION 18 WAYMO LLC, Case No. 3:17-cv-00939-WHA 19 Plaintiff. **DEFENDANTS UBER TECHNOLOGIES, INC. AND** 20 OTTOMOTTO LLC'S OBJECTIONS v. AND RESPONSES TO WAYMO'S 21 UBER TECHNOLOGIES, INC., THIRD SET OF REQUESTS FOR OTTOMOTTO LLC; OTTO TRUCKING LLC, PRODUCTION OF DOCUMENTS 22 (NOS. 153-265) Defendants. 23 Trial Date: October 2, 2017 24 25 26 27 28

| | l | |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| | ı | ı |

2.1

In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively "Defendants") object and respond to Plaintiff Waymo LLC's Third Set of Requests for Production of Documents, served on May 31, 2017.

GENERAL OBJECTIONS

Defendants make the following general responses and objections ("General Objections") to each definition, instruction, and request propounded in Waymo's Requests for Production of Documents. These General Objections are hereby incorporated into each specific response. The assertion of the same, similar or additional objections or partial responses to the individual requests does not waive any of Defendants' General Objections.

- 1. Defendants object to each Request, Definition, or Instruction to the extent it seeks or purports to impose obligations beyond or inconsistent with those imposed by the Federal Rules of Civil Procedure or the applicable rules and orders of this Court.
- 2. Nothing in these responses is an admission by Defendants of the existence, relevance, or admissibility of any information, for any purpose. Defendants reserve all objections as to competency, relevance, materiality, privilege, or admissibility related to the use of its responses and any document or thing identified in its responses as evidence for any purpose whatsoever in any subsequent proceeding in this trial or any other action.
- 3. Defendants object to each Request to the extent it seeks information not within Defendants' possession, custody, or control and not kept by Defendants in their ordinary course of business. Defendants will provide only relevant, non-privileged information that is within their present possession, custody, or control and available after a reasonable investigation.
- 4. Defendants object to these Requests insofar as they purport to require Defendants to search for information beyond that which is available after a reasonable search as it relates to this case and the scope of discovery at this stage.
- 5. Defendants object to each Request to the extent that it is not limited in time. Defendants will produce information from a reasonable time period as it relates to this case.
 - 6. Defendants object to each Request to the extent it seeks a response from persons or

entities that are not parties to the lawsuit and over whom Defendants have no control. Defendants respond to the Requests on Defendants' own behalf.

- 7. To the extent any Request, Instruction, or Definition may be construed as calling for disclosure of information subject to the attorney-client privilege, work-product immunity, joint defense or common interest, or any other applicable privilege or protection, Defendants hereby claim such privileges and immunities and object on such grounds. Defendants do not waive, intentionally or otherwise, any attorney-client privilege, work-product immunity, joint defense or common-interest privilege or any other privilege, immunity, or other protection that may be asserted to protect information from disclosure.
- 8. Defendants object to the Requests to the extent that they are compound, complex and contain multiple subparts.
- 9. Defendants object to the definitions of "WAYMO," "GOOGLE," and "OTTO TRUCKING," as overbroad, vague, and ambiguous because Defendants do not know, for example, all "current and former employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of" each entity.
- 10. Defendants object to Instruction No. 1 as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent it purports to impose duties greater than those set forth in Paragraphs 12 and 13 of the Court's Supplemental Order to Order Setting Initial Case Management Conference in Civil Cases Before Judge William Alsup ("Supplemental Order").
- 11. Defendants object to Instruction Nos. 3 through 5 as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent they purport to impose duties greater than those set forth in Paragraph 14 of the Court's Supplemental Order.
- 12. Defendants object to Instruction No. 7 as overbroad, unduly burdensome, and not proportional to the needs of the case, including to the extent it purports to impose duties greater than those set forth in Paragraph 12 to the Court's Supplemental Order.
- 13. Although Defendants have diligently complied with their discovery obligations at this stage, their investigations in connection with this litigation are continuing. These responses are limited to information obtained to date and are given without prejudice to Defendants' right to

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 5 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

amend or supplement their responses after considering information obtained through further 1 2 discovery or investigation. 3 Subject to without waiving its General Objections, Defendants object and respond to the 4 Requests as follow: 5 SPECIFIC OBJECTIONS AND RESPONSES 6 **REQUEST FOR PRODUCTION NO. 153:** 7 All DOCUMENTS and COMMUNICATIONS REGARDING the Project Chauffeur Bonus Program. 8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 153:** 9 10 Defendants will produce responsive, non-privileged DOCUMENTS, if such 11 DOCUMENTS exist, can be located through a reasonably diligent search, and concern 12 Mr. Levandowski. 13 Defendants object to this Request to the extent that it seeks information protected by the 14 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected 15 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case to the extent that it seeks "all" documents. Defendants also 16 17 object that the term "Project Chauffeur Bonus Program" is undefined. 18 19 **REQUEST FOR PRODUCTION NO. 154:** 20 All agreements between any DEFENDANT and Nevada ATCF LLC. 2.1 RESPONSE TO REQUEST FOR PRODUCTION NO. 154: Pursuant to the telephone conference with Special Master John L. Cooper on June 30, 22 23 2017, this Request has been withdrawn. 24 25 **REQUEST FOR PRODUCTION NO. 155:** 26 All DOCUMENTS and COMMUNICATIONS REGARDING any agreements between 27 any DEFENDANT and Nevada ATCF LLC. 28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 155:** 2 Pursuant to the telephone conference with Special Master John L. Cooper on June 30, 3 2017, this Request has been withdrawn. 4 5 **REQUEST FOR PRODUCTION NO. 156:** 6 All COMMUNICATIONS between LEVANDOWSKI and any PERSON (INCLUDING 7 DEFENDANTS) REGARDING Nevada ATCF LLC. 8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 156:** 9 Defendants will produce non-privileged COMMUNICATIONS responsive to this 10 Request, if any, located through a reasonably diligent search. 11 Defendants object to this Request to the extent that it seeks information protected by the 12 attorney-client privilege or the work product doctrine or that is otherwise privileged or protected 13 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not 14 proportional to the needs of the case to the extent that it seeks "all" documents and 15 communications. Defendants further object to this Request on the grounds that the term 16 "REGARDING" is vague and ambiguous in the context of this Request. 17 18 **REQUEST FOR PRODUCTION NO. 157:** 19 DOCUMENTS sufficient to show the reasons behind DEFENDANTS' and/or OTTO 20 TRUCKING's decision not to deploy self-driving trucks in Texas. 21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 157:** 22 Pursuant to the telephone conference with Special Master John L. Cooper on June 30, 23 2017, this Request has been withdrawn. 24 25 **REQUEST FOR PRODUCTION NO. 158:** 26 DOCUMENTS sufficient to show DEFENDANTS' past, present, and future plans to test

Colorado, Pennsylvania, Arizona, and California.

self-driving trucks in any state, INCLUDING (without limitation) Ohio, Nevada, Texas,

27

RESPONSE TO REQUEST FOR PRODUCTION NO. 158:

Defendants will produce a non-privileged DOCUMENT or DOCUMENTS responsive to this Request, if any, located through a reasonably diligent search.

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation.

REQUEST FOR PRODUCTION NO. 159:

DOCUMENTS sufficient to show the total number of miles DEFENDANTS' self-driving trucks have traveled each month in each state, broken out by month and by state.

RESPONSE TO REQUEST FOR PRODUCTION NO. 159:

Defendants object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. Defendants additionally object that responding to this Request would be oppressive and unduly burdensome, including because it would require research, investigation, and compilation of data.

Defendants will not produce documents in response to this Request.

REQUEST FOR PRODUCTION NO. 160:

DOCUMENTS sufficient to show DEFENDANTS' past, present, and future plans to test self-driving trucks in any state, INCLUDING (without limitation) Ohio, Nevada, Texas, Colorado, Pennsylvania, Arizona, and California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 160:

Defendants refer Plaintiff to their response to Request No. 158.

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 8 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. Defendants additionally object that responding to this Request would be oppressive and unduly burdensome.

REQUEST FOR PRODUCTION NO. 161:

All DOCUMENTS and COMMUNICATIONS REGARDING the naming of FUJI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 161:

Defendants will produce non-privileged documents sufficient to show the naming of FUJI, if any, located through a reasonably diligent search.

Defendants object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. Defendants further object to this request as irrelevant, overbroad, and not proportional to the needs of the case to the extent that it seeks "all" documents and communications.

REQUEST FOR PRODUCTION NO. 162:

All DOCUMENTS and COMMUNICATIONS REGARDING the naming of SPIDER.

RESPONSE TO REQUEST FOR PRODUCTION NO. 162:

Defendants will produce non-privileged documents sufficient to show the naming of SPIDER, if any, located through a reasonably diligent search.

Defendants object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope,

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 9 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. Defendants further object to this request as irrelevant, overbroad, and not proportional to the needs of the case to the extent that it seeks "all" documents and communications.

REQUEST FOR PRODUCTION NO. 163:

All DOCUMENTS and COMMUNICATIONS REGARDING the naming of OWL.

RESPONSE TO REQUEST FOR PRODUCTION NO. 163:

Defendants will produce non-privileged documents sufficient to show the naming of OWL, if any, located through a reasonably diligent search.

Defendants object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. Defendants further object to this request as irrelevant, overbroad, and not proportional to the needs of the case to the extent that it seeks "all" documents and communications.

2.1

REQUEST FOR PRODUCTION NO. 164:

All COMMUNICATIONS between Brian McClendon and any PERSON REGARDING LiDAR, OTTOMOTTO, OTTO TRUCKING, or LEVANDOWSI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 164:

Defendants have already produced COMMUNICATIONS responsive to this Request, including, without limitation, in Production Volume 52. Defendants will produce additional responsive, non-privileged COMMUNICATIONS between Brian McClendon and any person regarding Ottomotto, Otto Trucking, or Anthony Levandowski before August 23, 2016, and regarding Mr. Levandowski after August 23, 2016, if such COMMUNICATIONS exist and can be located through a reasonably diligent search.

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 10 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. Defendants further object to this request as irrelevant, overbroad, and not proportional to the needs of the case to the extent that it seeks "all" documents and communications. Defendants additionally object that responding to this Request would be oppressive and unduly burdensome.

2.1

REQUEST FOR PRODUCTION NO. 165:

All COMMUNICATIONS between Travis Kalanick and any PERSON REGARDING LiDAR, OTTOMOTTO, OTTO TRUCKING, or LEVANDOWSI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 165:

Defendants have already produced COMMUNICATIONS responsive to this Request, including, without limitation, in Production Volume 52, which included all communications between Travis Kalanick and Anthony Levandowski; communications between Mr. Kalanick and anyone regarding LiDAR; and communications between Mr. Kalanick and anyone regarding Mr. Levandowski, Ottomotto, or Otto Trucking before August 23, 2016. Defendants will produce additional responsive, non-privileged COMMUNICATIONS between Mr. Kalanick and anyone regarding Mr. Levandowski after August 23, 2016, if such COMMUNICATIONS exist and can be located through a reasonably diligent search.

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation.

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 11 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

Defendants further object to this request as irrelevant, overbroad, and not proportional to the needs of the case to the extent that it seeks "all" documents and communications. Defendants additionally object that responding to this Request would be oppressive and unduly burdensome.

4

5

1

2

3

REQUEST FOR PRODUCTION NO. 166:

6 7

8

All COMMUNICATIONS between John Bares and any PERSON REGARDING OTTOMOTTO, OTTO TRUCKING, or LEVANDOWSI.

<u>R</u>]

RESPONSE TO REQUEST FOR PRODUCTION NO. 166:

9

including, without limitation, in Production Volumes 22 and 51. Defendants will produce additional responsive, non-privileged COMMUNICATIONS between John Bares and any person

Defendants have already produced COMMUNICATIONS responsive to this Request,

12

11

regarding Ottomotto, Otto Trucking, or Anthony Levandowski before August 23, 2016, and

13

regarding Mr. Levandowski after August 23, 2016, if such COMMUNICATIONS exist and can

1415

be located through a reasonably diligent search.

16

attorney-client privilege or the work product doctrine or that is otherwise privileged or protected

Defendants object to this Request to the extent that it seeks information protected by the

17 18 from discovery. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad

19

as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the

20

case to the extent it calls for the production of documents that are unrelated to this litigation.

21

Defendants further object to this request as irrelevant, overbroad, and not proportional to the

2223

needs of the case to the extent that it seeks "all" documents and communications. Defendants

additionally object that responding to this Request would be oppressive and unduly burdensome.

24

25

REQUEST FOR PRODUCTION NO. 167:

2627

All COMMUNICATIONS between Cameron Poetzscher and any PERSON REGARDING LiDAR, OTTOMOTTO, OTTO TRUCKING, or LEVANDOWSI.

RESPONSE TO REQUEST FOR PRODUCTION NO. 167:

Defendants will produce responsive, non-privileged COMMUNICATIONS between Cameron Poetzscher and any person regarding LiDAR or Anthony Levandowski.

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants have already furnished privilege logs for documents that potentially could be responsive to the Court's March 16, 2017 order. To the extent this Request seeks additional documents, Defendants object that it is overbroad, unduly burdensome, and not proportional to the needs of the case insofar as it seeks "all" documents and communications. Defendants further object to this Request as irrelevant, overbroad, and not proportional to the needs of the case; specifically, Defendants object that the Request is overbroad as to scope, subject matter, and time, and is irrelevant and not proportional to the needs of the case to the extent it calls for the production of documents that are unrelated to this litigation. To the extent this request seeks all communications between Mr. Poetzscher and anyone regarding Ottomotto or Otto Trucking, it is overbroad, unduly burdensome, and not proportional to the needs of the case. Such documents are subsumed within Waymo's Request for Production No. 28 and 29 regarding negotiations over Uber's acquisition of Ottomotto and due diligence related to same, about which the parties are presently conferring. Defendants additionally object that responding to this Request would be oppressive and unduly burdensome.

REQUEST FOR PRODUCTION NO. 168:

All minutes of meetings of any of DEFENDANTS' Board of Directors, or any committee thereof, during which LiDAR was discussed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 168:

Defendants will produce non-privileged Board of Directors meeting minutes responsive to this Request located through a reasonably diligent search.

2728

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. **REQUEST FOR PRODUCTION NO. 169:** All minutes of meetings of UBER's Board of Directors, or any committee thereof, during which OTTOMOTTO, OTTO TRUCKING, or LEVANDOWSKI was discussed. RESPONSE TO REQUEST FOR PRODUCTION NO. 169: Defendants will produce non-privileged Board of Directors meeting minutes responsive to this Request located through a reasonably diligent search. Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. **REQUEST FOR PRODUCTION NO. 170:**

All DOCUMENTS REGARDING LiDAR that were prepared for or received by any of DEFENDANTS' Board of Directors, or any committee thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 170:

Defendants will produce non-privileged DOCUMENTS that were sent or presented to Uber's Board of Directors or any committee thereof responsive to this Request, if any, located through a reasonably diligent search.

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request on the grounds that the term "REGARDING" is vague and ambiguous in the context of this Request.

26

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

27

REQUEST FOR PRODUCTION NO. 171:

2.1

All DOCUMENTS REGARDING OTTOMOTTO, OTTO TRUCKING, or LEVANDOWSKI that were prepared for or received by UBER's Board of Directors, or any committee thereof.

RESPONSE TO REQUEST FOR PRODUCTION NO. 171:

Defendants will produce non-privileged DOCUMENTS that were sent or presented to Uber's Board of Directors or any committee thereof responsive to this Request, if any, located through a reasonably diligent search.

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request on the grounds that the term "REGARDING" is vague and ambiguous in the context of this Request.

REQUEST FOR PRODUCTION NO. 172:

All roadmaps, timelines, and development schedules REGARDING LiDAR.

RESPONSE TO REQUEST FOR PRODUCTION NO. 172:

Defendants have made available for inspection Uber's facilities, email, computers, documents, design files, and source code in San Francisco and Pittsburgh on eight occasions. In doing so, Uber has made available for inspection over 383,000 emails and documents; the devices of Scott Boehmke, John Bares, Anthony Levandowski, Gaetan Pennecot, Daniel Gruver, and James Haslim; and all four locations at which there is ongoing LiDAR development. To date, Waymo has conducted approximately 55 hours of inspection, with additional requests for investigation.

In addition, Defendants have already produced other non-privileged documents responsive to this Request, including, for example, drafts of the milestones document.

Defendants will produce additional non-privileged documents responsive to this Request, if such documents exist and can be located through a reasonably diligent search.

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 15 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

To the extent this Request seeks anything other than the previously described information, Defendants object to the portion of this Request seeking "all" such documents as overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants object to this Request as unreasonably overbroad to the extent that it requests information about third-party LiDAR designs and/or implicates non-disclosure agreements with third parties. Defendants further object to this Request on the ground that the terms "roadmaps," "timelines," and "development schedules" are vague and ambiguous.

2.1

REQUEST FOR PRODUCTION NO. 173:

All roadmaps, timelines, and development schedules REGARDING self-driving vehicles.

RESPONSE TO REQUEST FOR PRODUCTION NO. 173:

Defendants have made available for inspection Uber's facilities, email, computers, documents, design files, and source code in San Francisco and Pittsburgh on eight occasions. In doing so, Uber has made available for inspection over 383,000 emails and documents; the devices of Scott Boehmke, John Bares, Anthony Levandowski, Gaetan Pennecot, Daniel Gruver, and James Haslim; and all four locations at which there is ongoing LiDAR development. To date, Waymo has conducted approximately 55 hours of inspection, with additional requests for investigation.

In addition, Defendants have already produced other non-privileged documents responsive to this Request, including, for example, drafts of the milestones document.

Defendants will produce additional non-privileged documents, if such documents exist and can be located through a reasonably diligent search, sufficient to show roadmaps, timelines, and development schedules for Defendants' self-driving vehicles using LiDAR sensors.

Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants object to the portion of this Request seeking "all" such documents as

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 16 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants object to "self-driving vehicles" as overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to this Request on the ground that the terms "roadmaps," "timelines," and "development schedules" are vague and ambiguous.

2.1

REQUEST FOR PRODUCTION NO. 174:

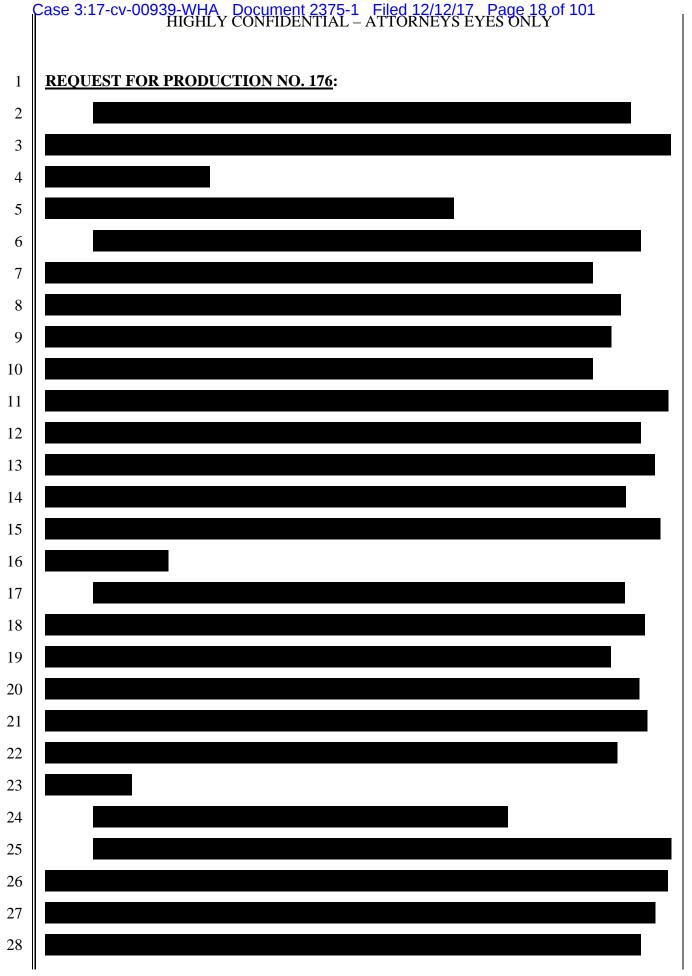
All forecasts, market analyses, or market projects REGARDING self-driving vehicles.

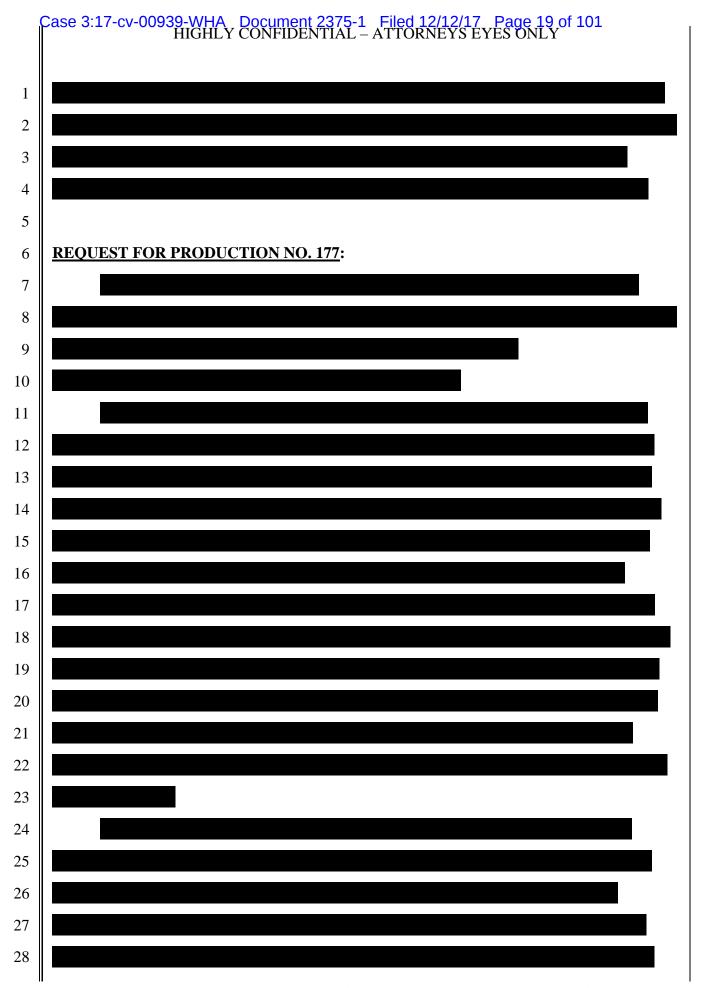
RESPONSE TO REQUEST FOR PRODUCTION NO. 174:

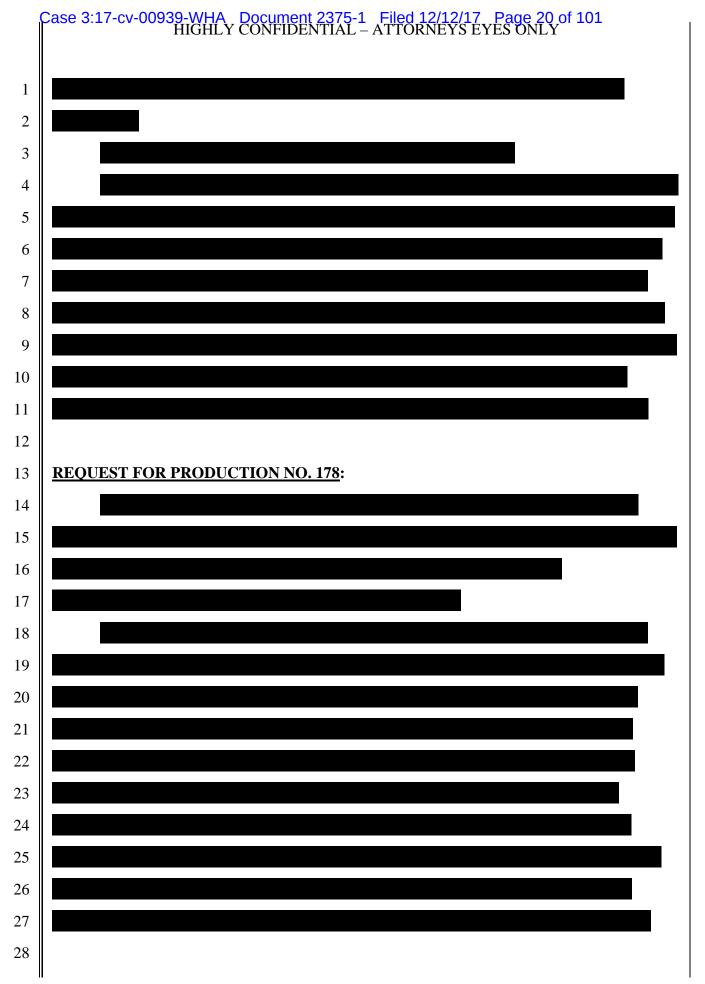
Defendants have made available for inspection Uber's facilities, email, computers, documents, design files, and source code in San Francisco and Pittsburgh on eight occasions. In doing so, Uber has made available for inspection over 383,000 emails and documents; the devices of Scott Boehmke, John Bares, Anthony Levandowski, Gaetan Pennecot, Daniel Gruver, and James Haslim; and all four locations at which there is ongoing LiDAR development. To date, Waymo has conducted approximately 55 hours of inspection, with additional requests for investigation.

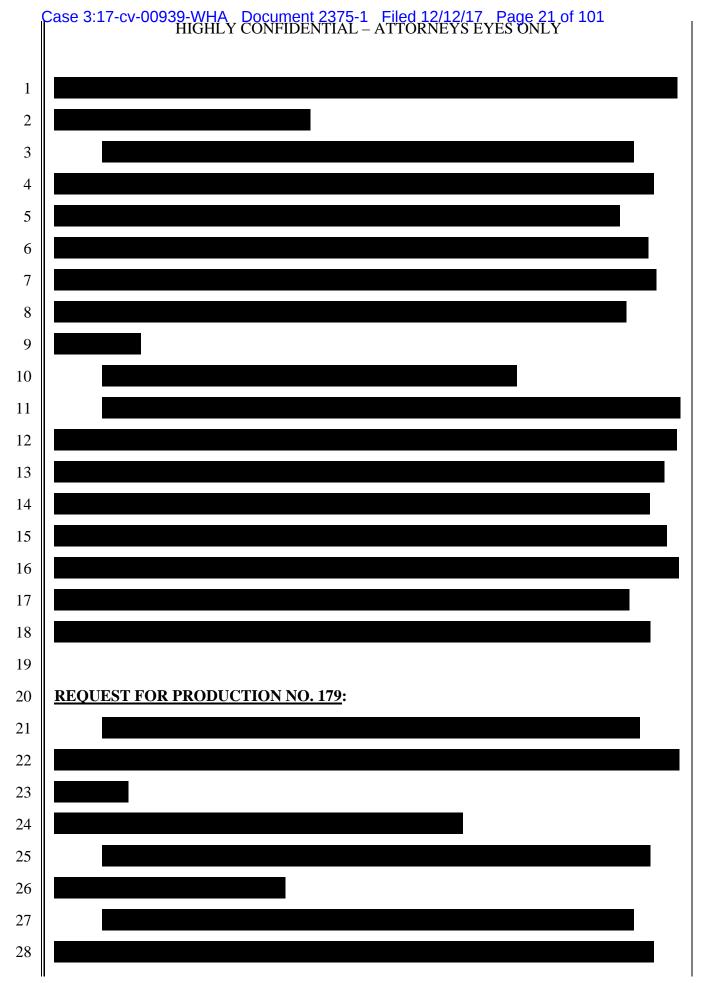
Defendants will produce additional non-privileged documents, if such documents exist and can be located through a reasonably diligent search, sufficient to show forecasts and market analyses for Defendants' self-driving vehicles using LiDAR sensors.

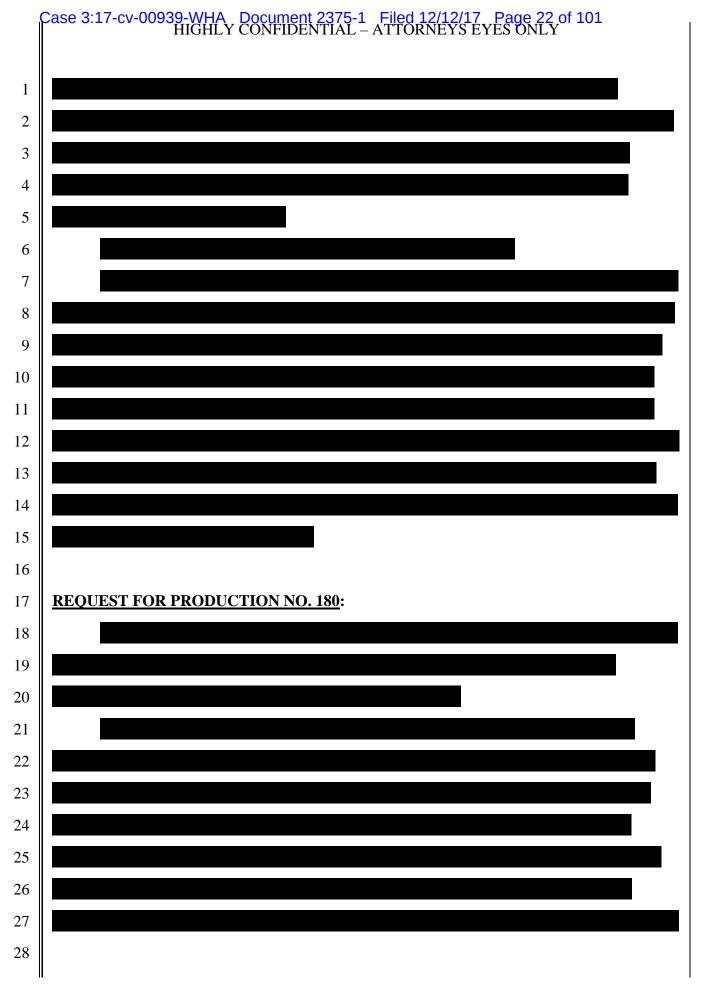
Defendants object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants object to the portion of this Request seeking "all" such documents as overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants object to "self-driving vehicles" as overbroad, unduly burdensome, and not proportional to the needs of the case. Defendants further object to this Request on the ground that the term "market project" is vague, ambiguous, and incomprehensible.

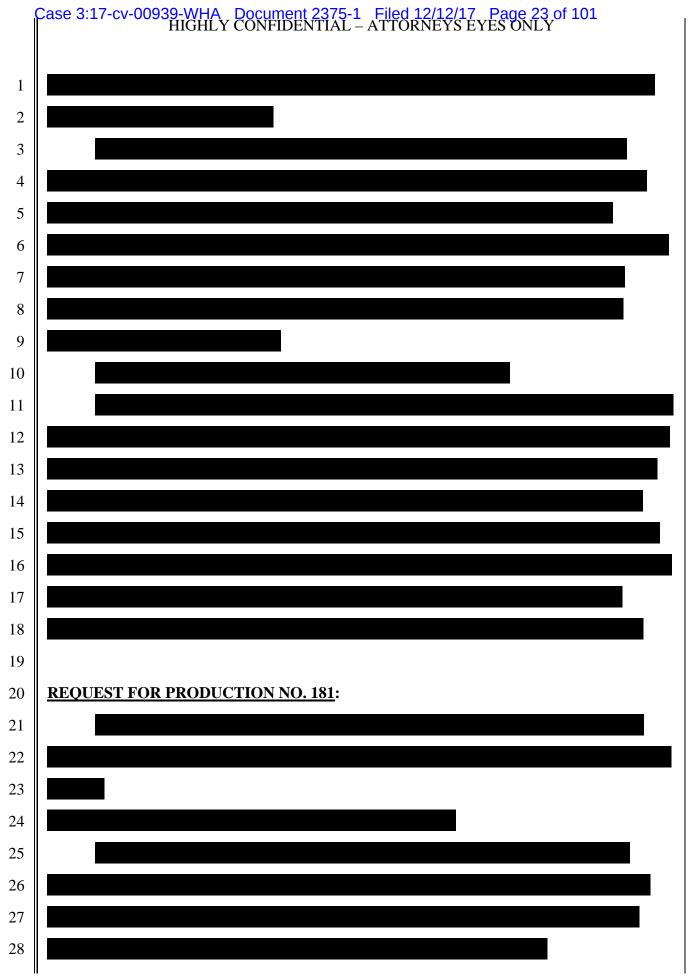


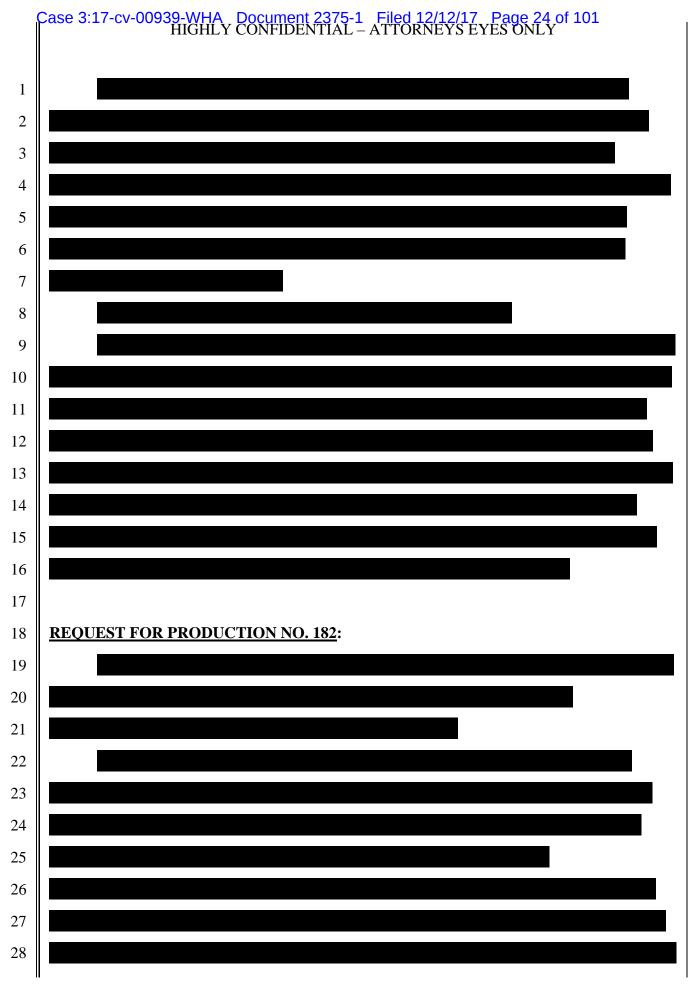


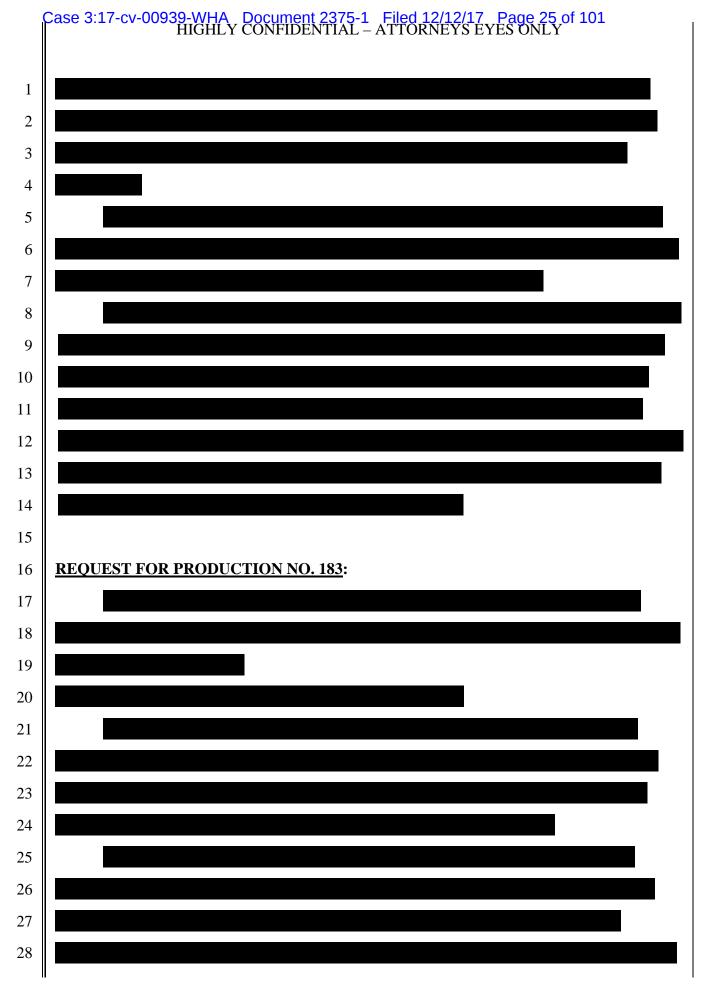


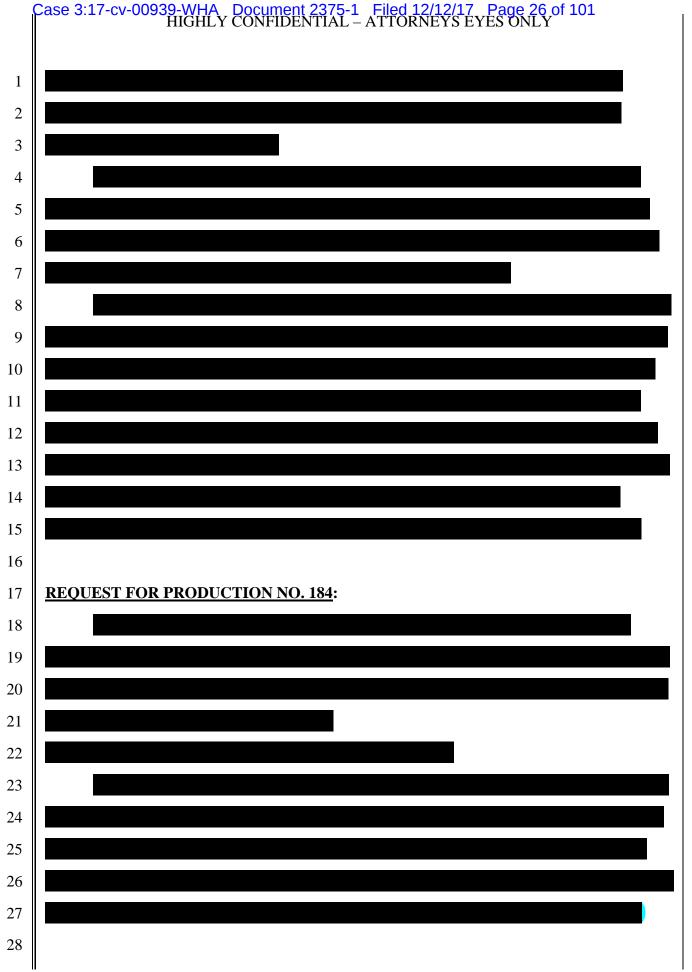


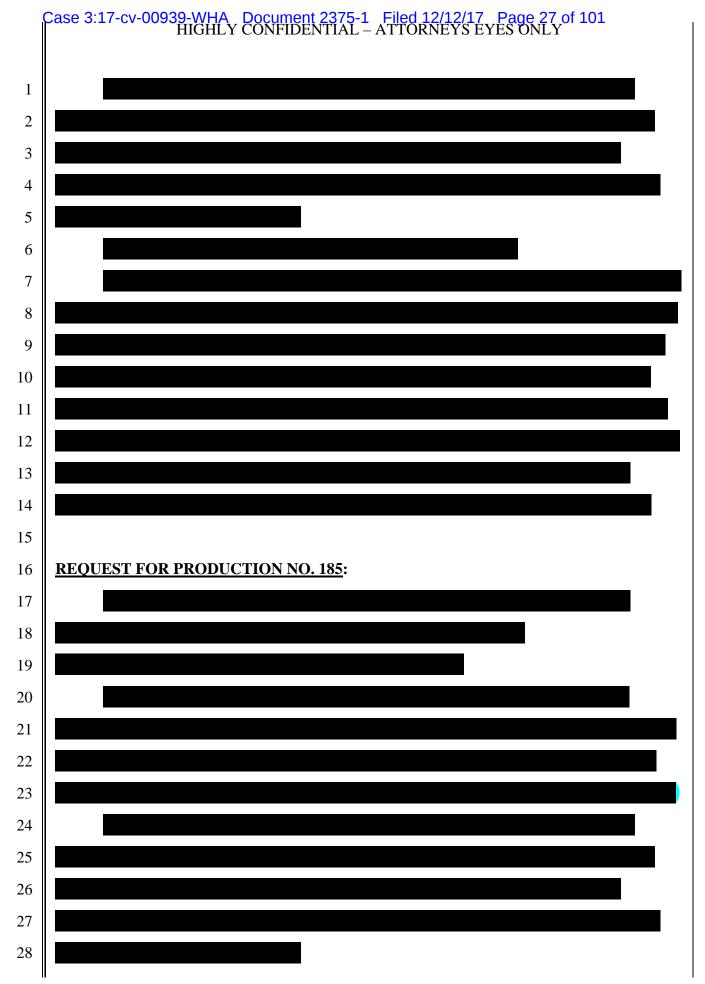


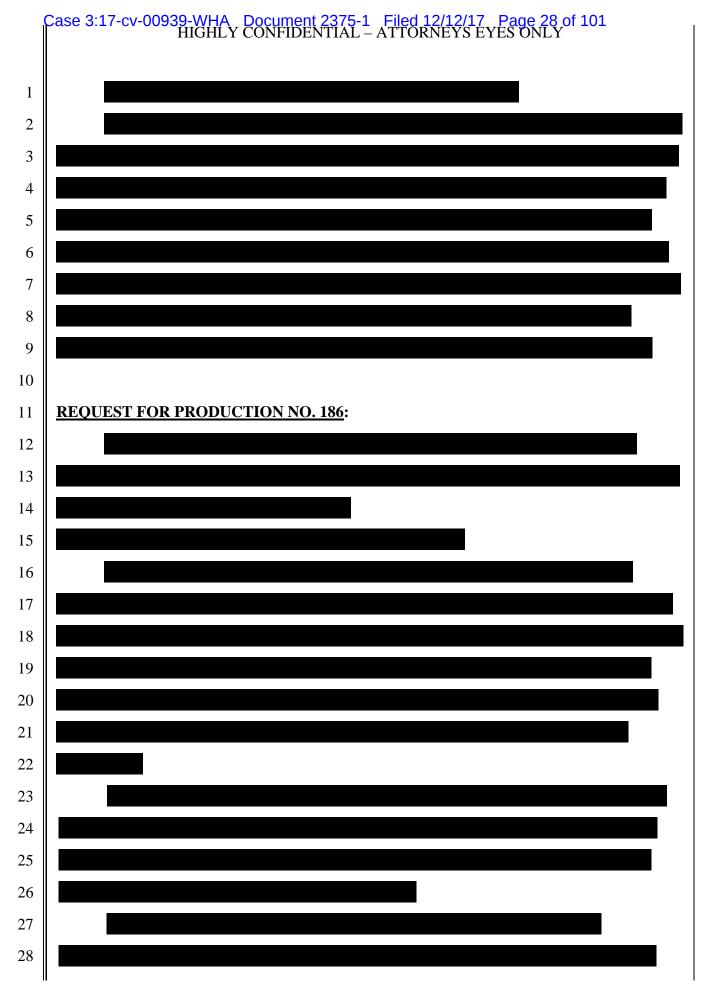


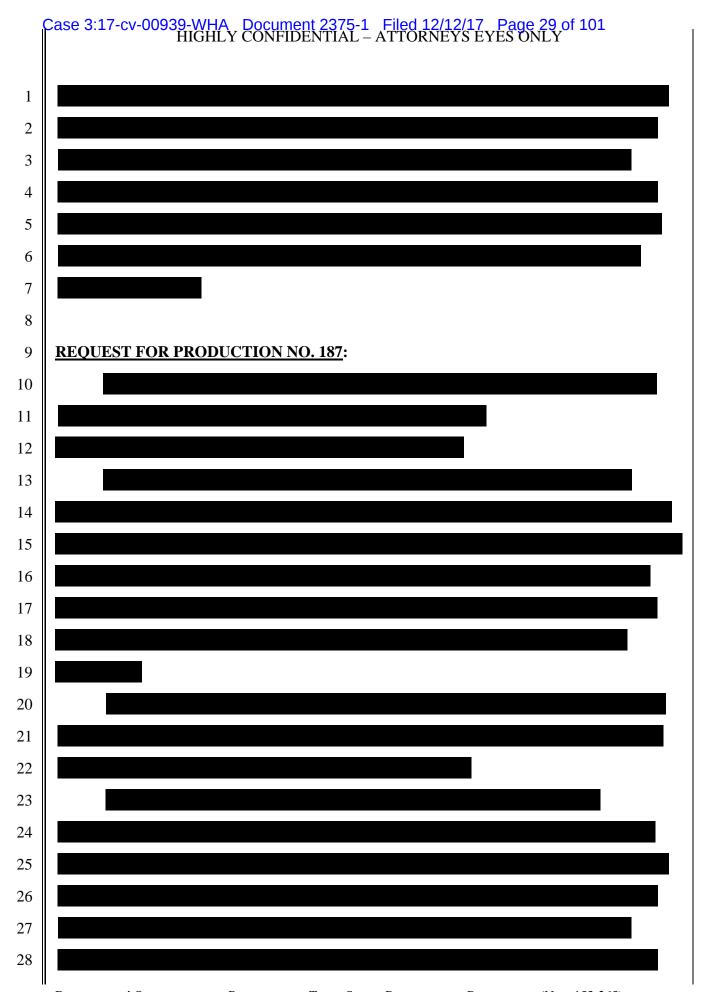


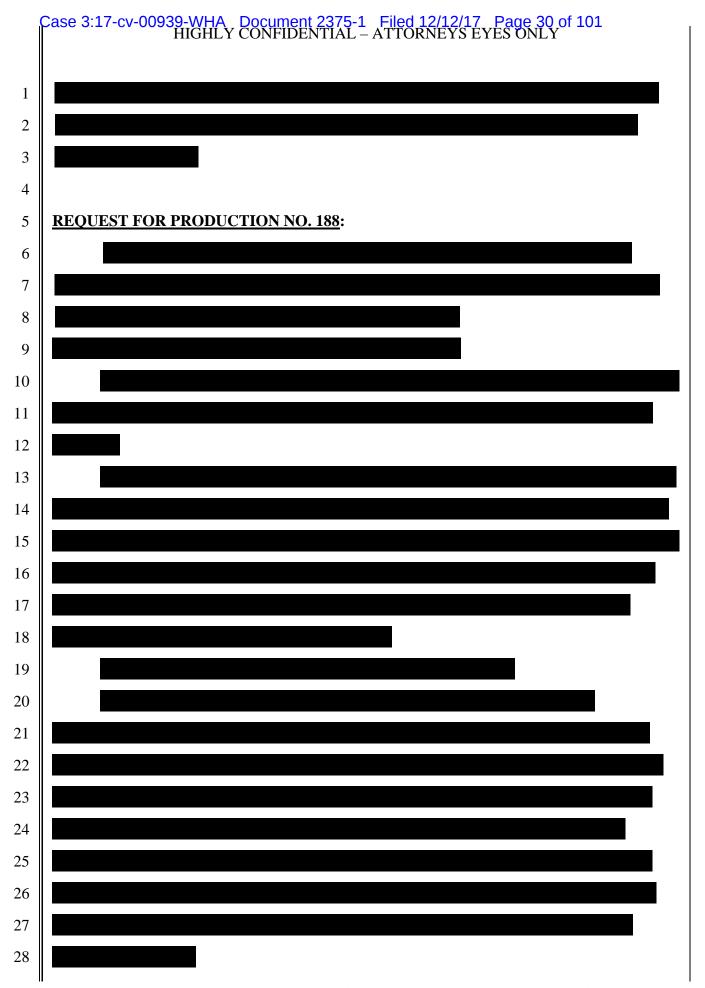


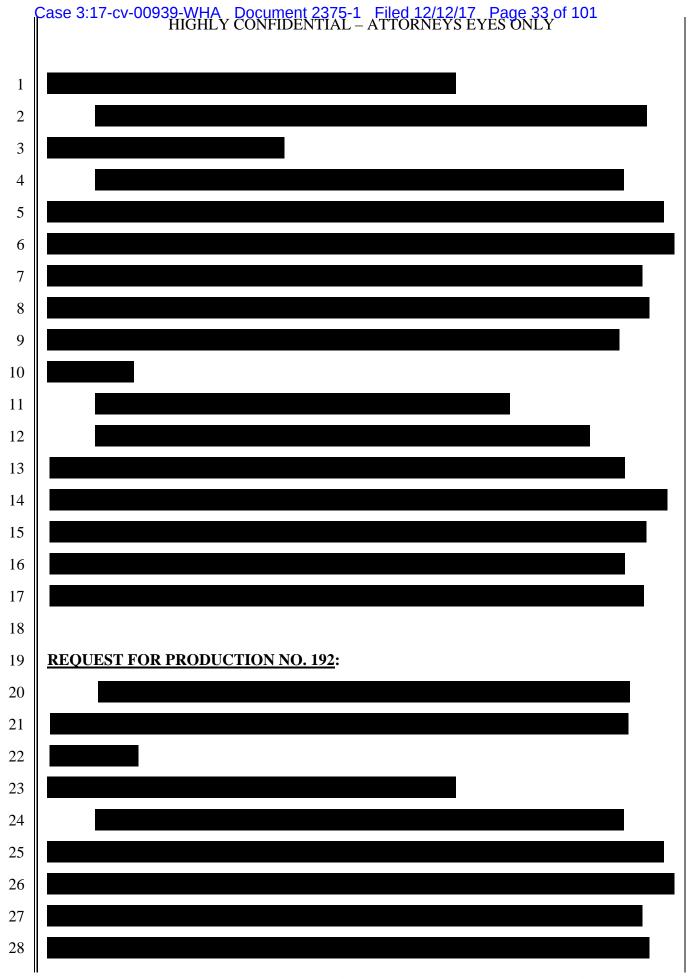


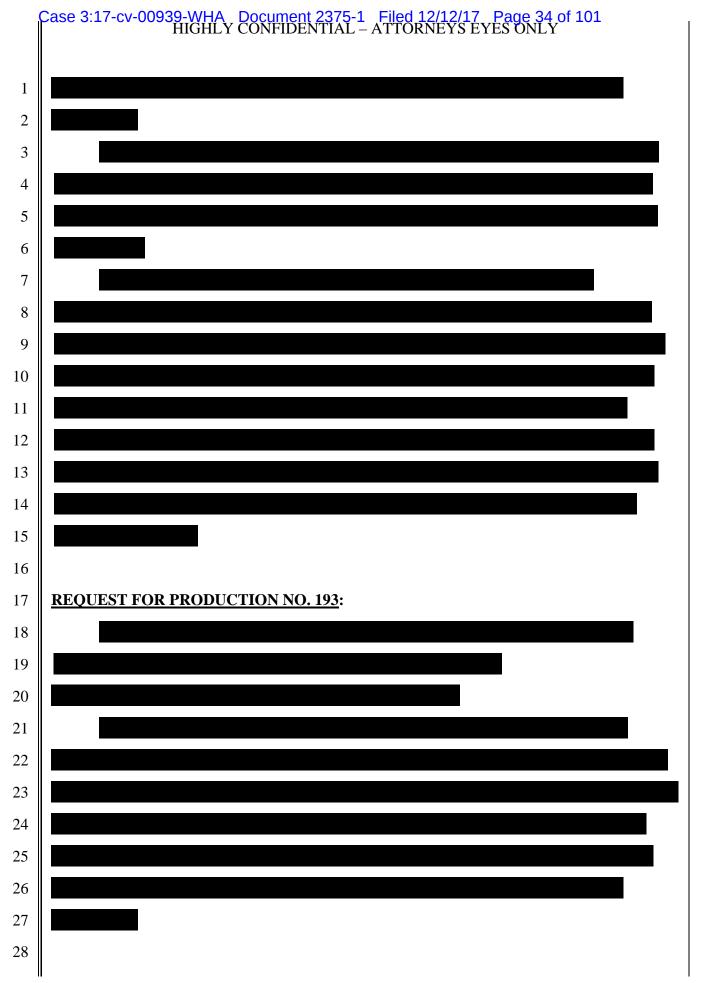


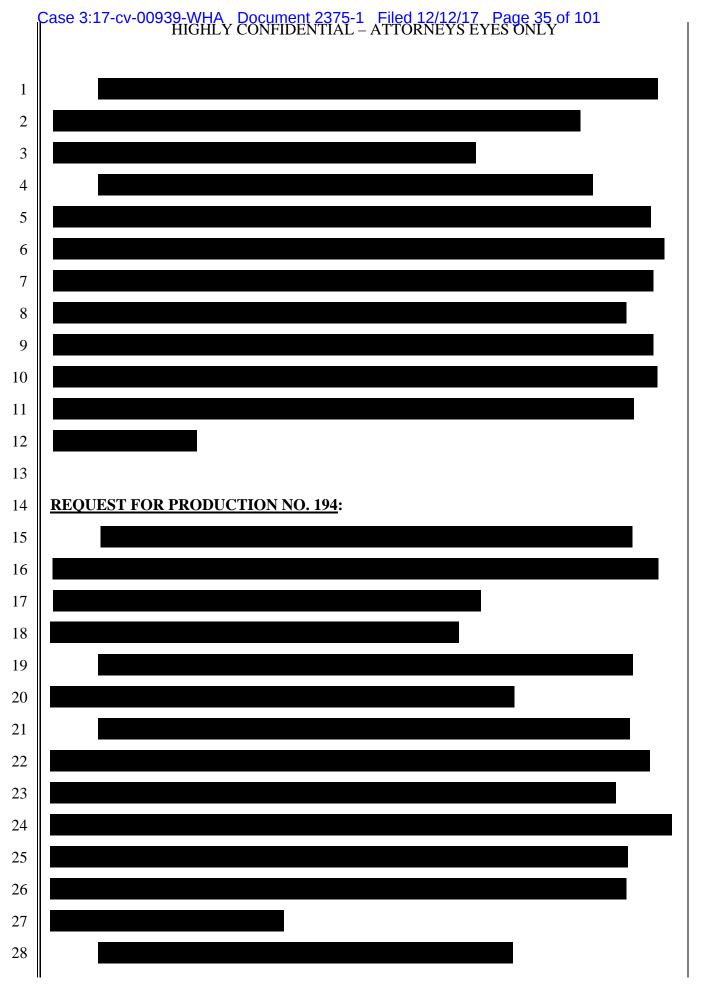


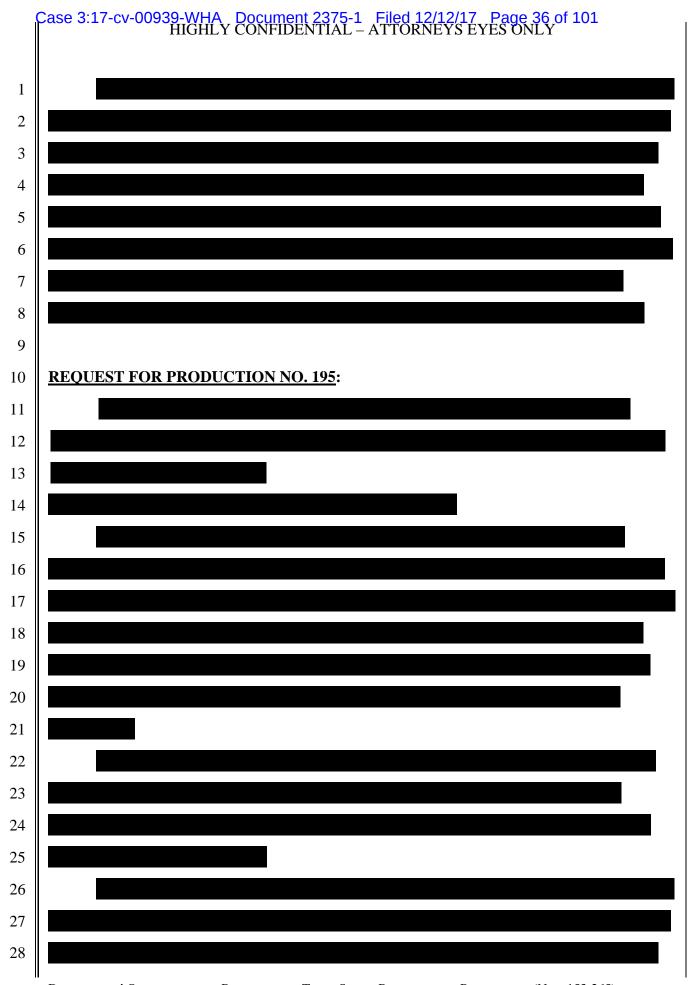


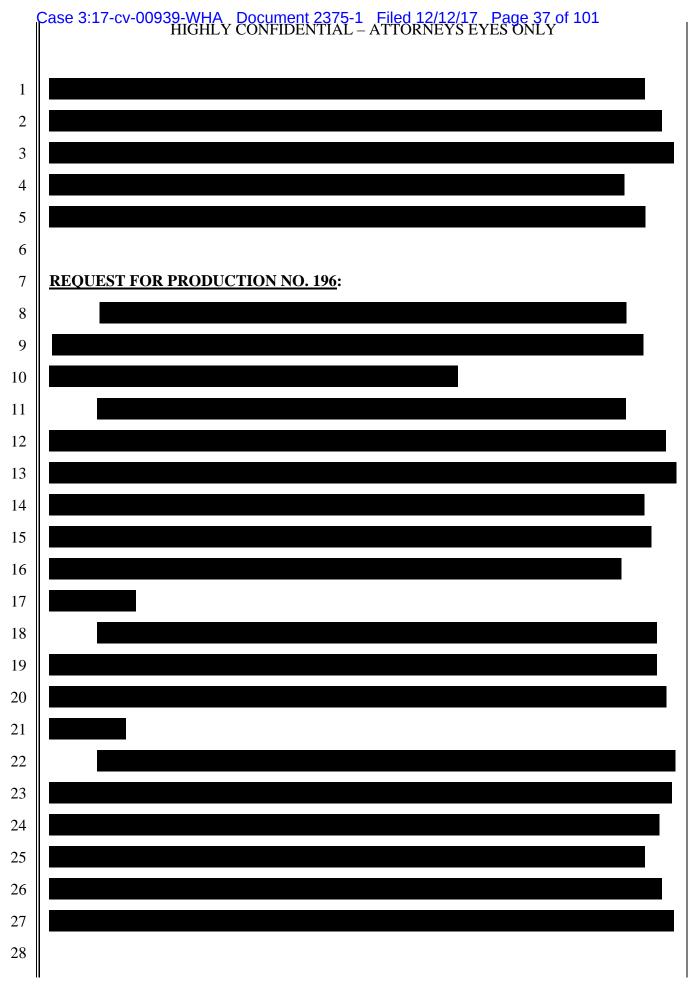


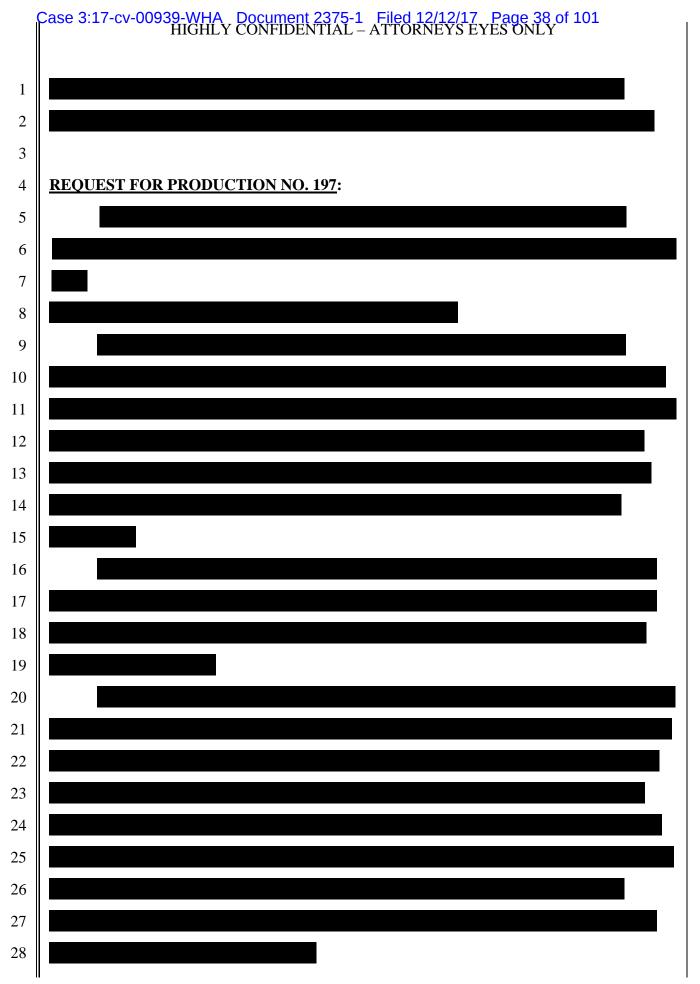












RESPONSE TO REQUEST FOR PRODUCTION NO. 200:

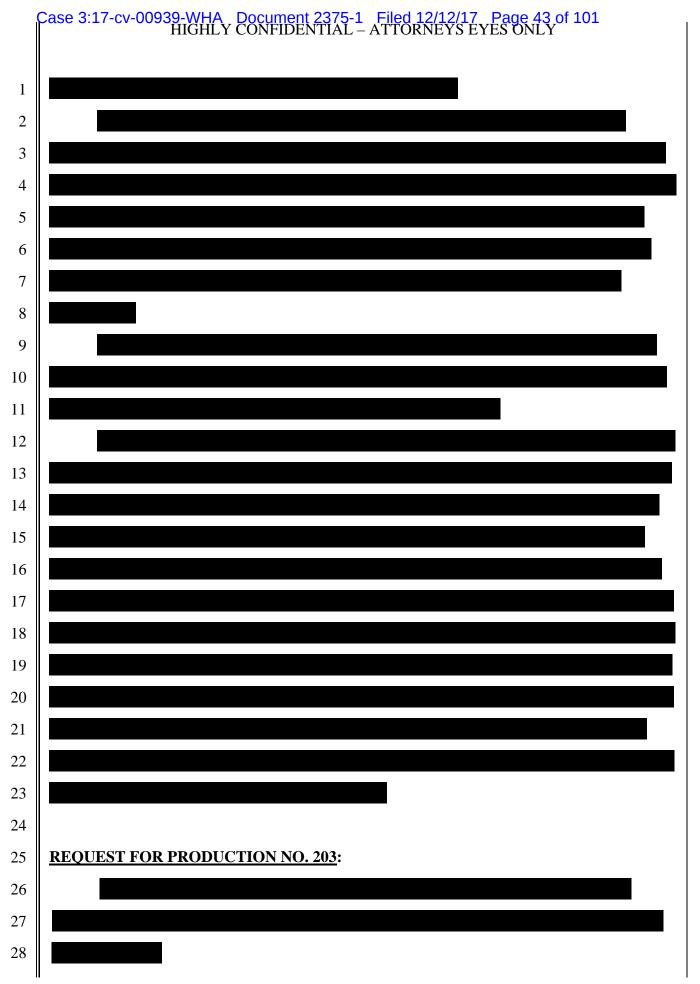
Defendants have already produced documents responsive to this Request, including without limitation, documents produced in connection with Notices of Deposition for Asheem Linaval. Specifically, Defendants produced PowerPoint presentations, notes, and calculations from the custodial files of Scott Boehmke.

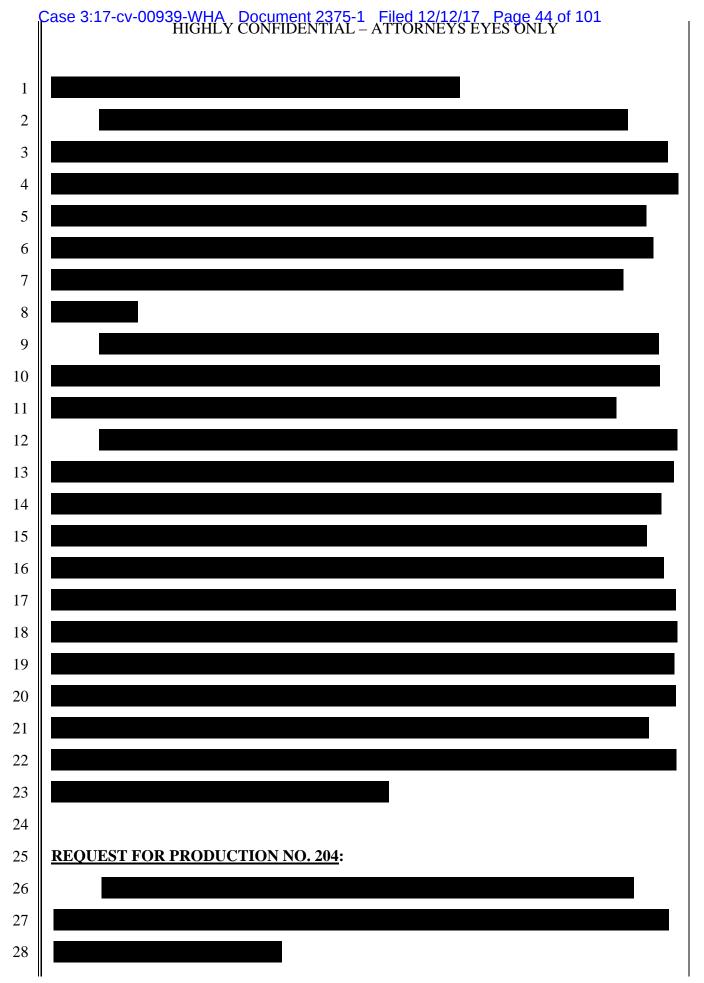
In addition, Defendants have made available for inspection Uber's facilities, email, computers, documents, design files, and source code in San Francisco and Pittsburgh on eight occasions. In doing so, Uber has made available for inspection over 383,000 emails and documents; the devices of Scott Boehmke, John Bares, Anthony Levandowski, Gaetan Pennecot, Daniel Gruver, and James Haslim; and all four locations at which there is ongoing LiDAR development. To date, Waymo has conducted approximately 55 hours of inspection, with additional requests for investigation.

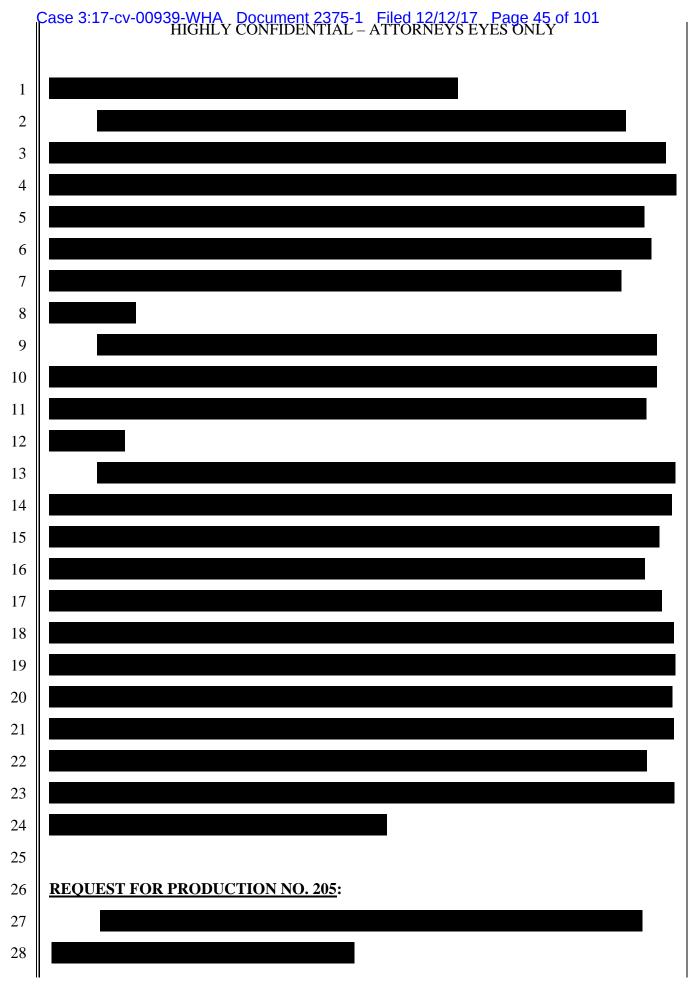
Defendants will produce additional non-privileged documents, if such documents exist and can be located through a reasonably diligent search, sufficient to show additional self-driving test scenarios used for Defendants' LiDAR designs.

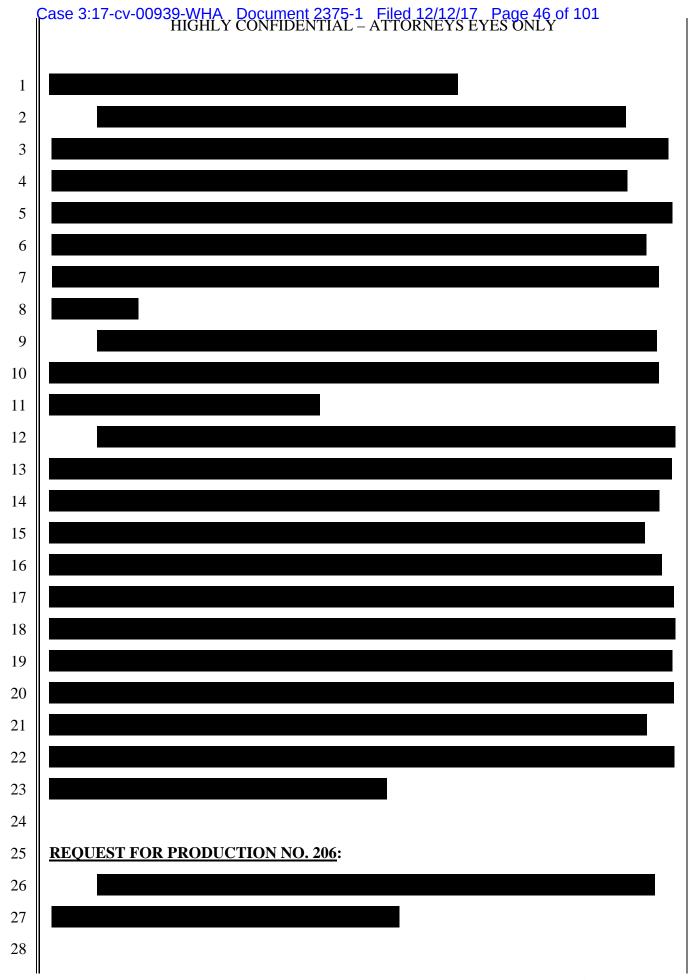
To the extent this Request seeks anything other than the previously described information, Defendants also object to this Request as unreasonably overbroad, irrelevant, outside the scope of this litigation, harassing, and not proportional to the needs of the case, including to the extent that it requests information about LiDAR designs developed by third-parties and/or implicates non-disclosure agreements with third parties. Defendants also object to this Request as overbroad, unduly burdensome, and not proportional to the needs of the case to the extent that it seeks "all" "self-driving car test scenarios[.]" Defendants further object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to the use of the phrases "self-driving car test scenarios," "informed, drove, or influenced," and "considered or implemented" are vague and ambiguous.

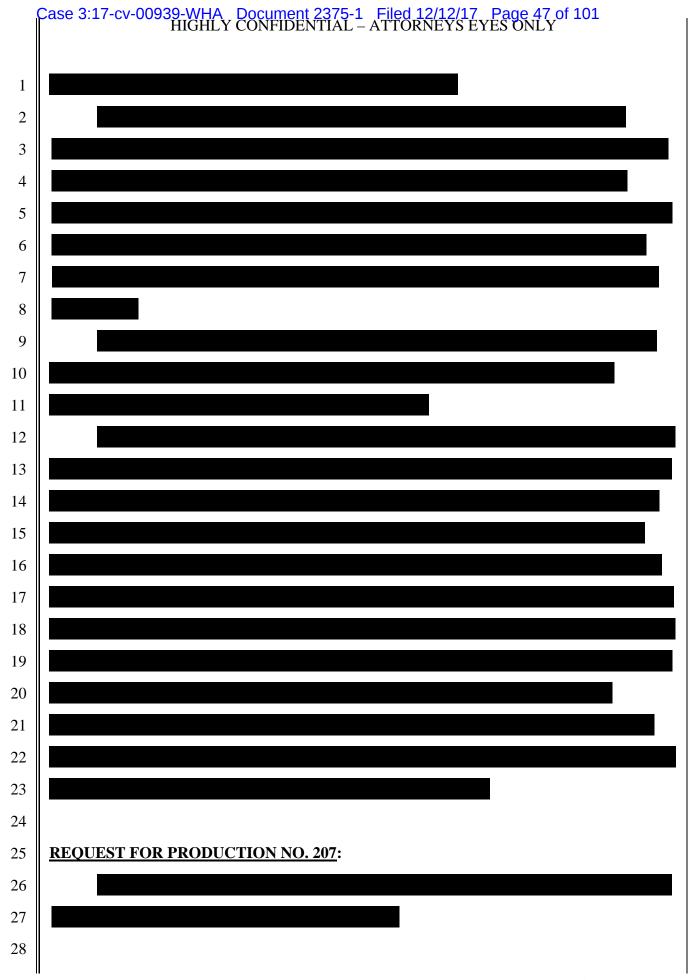
2.1

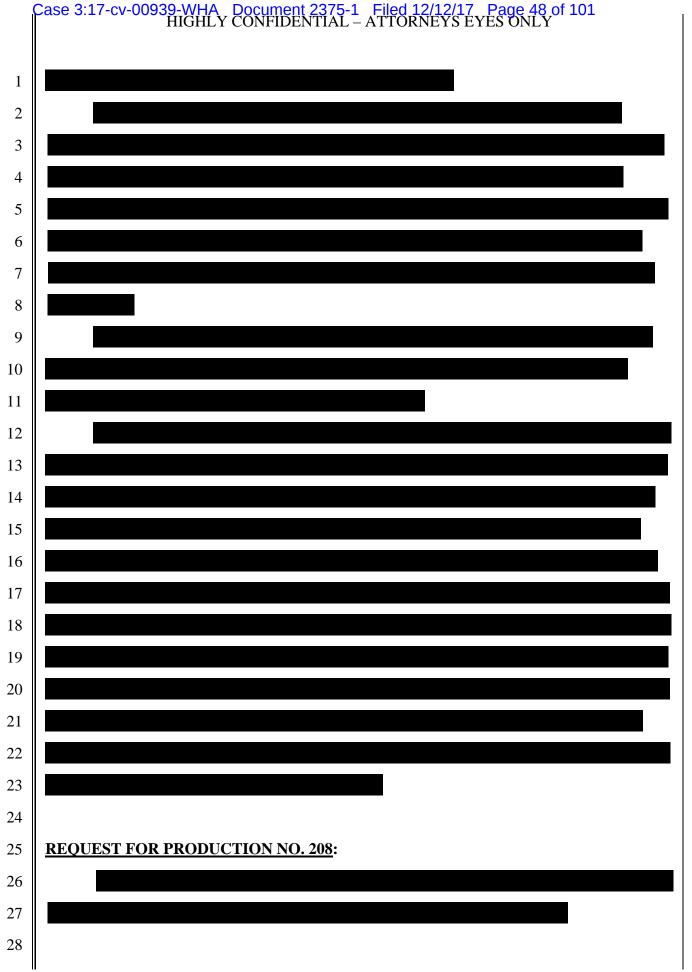


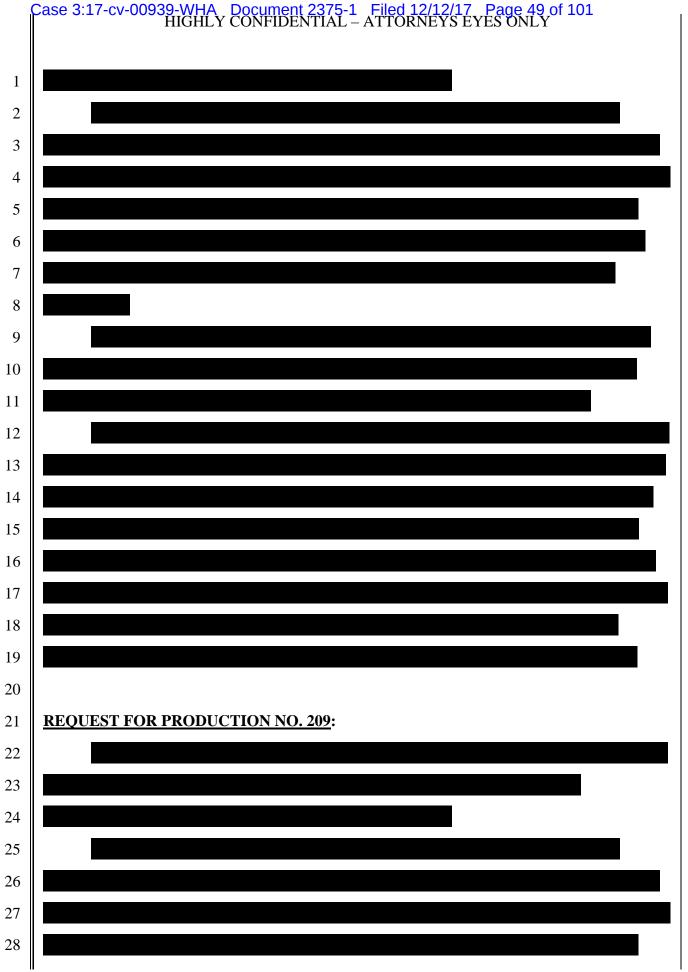


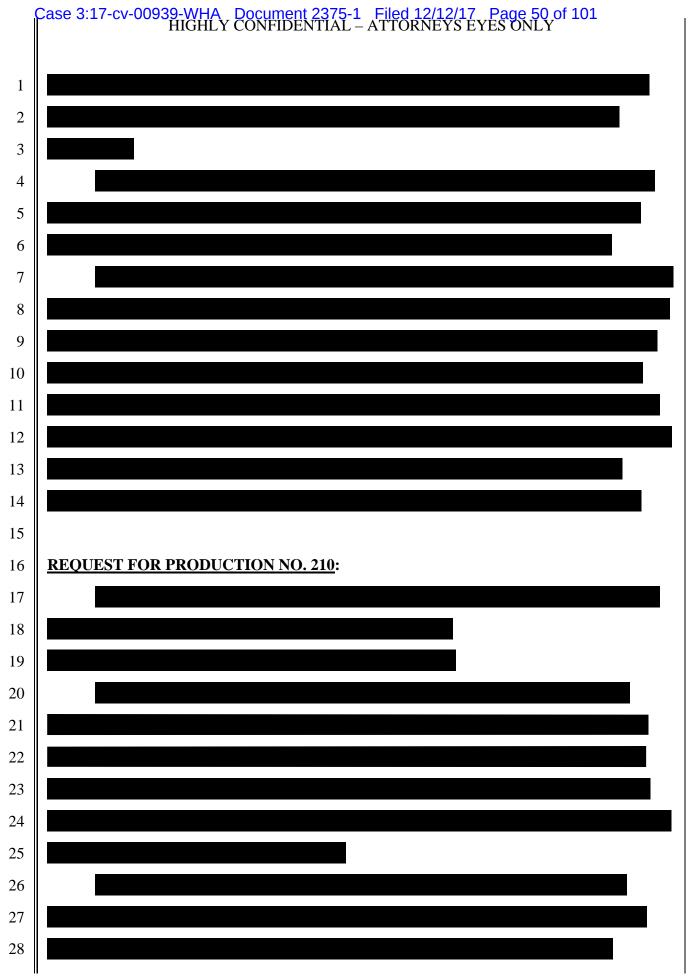


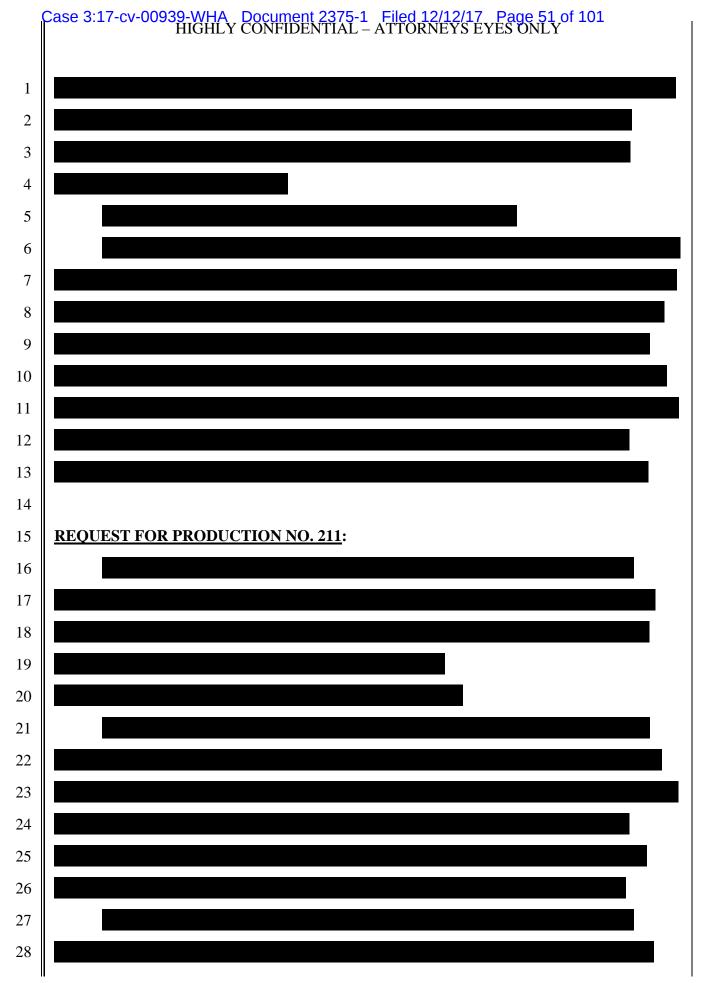


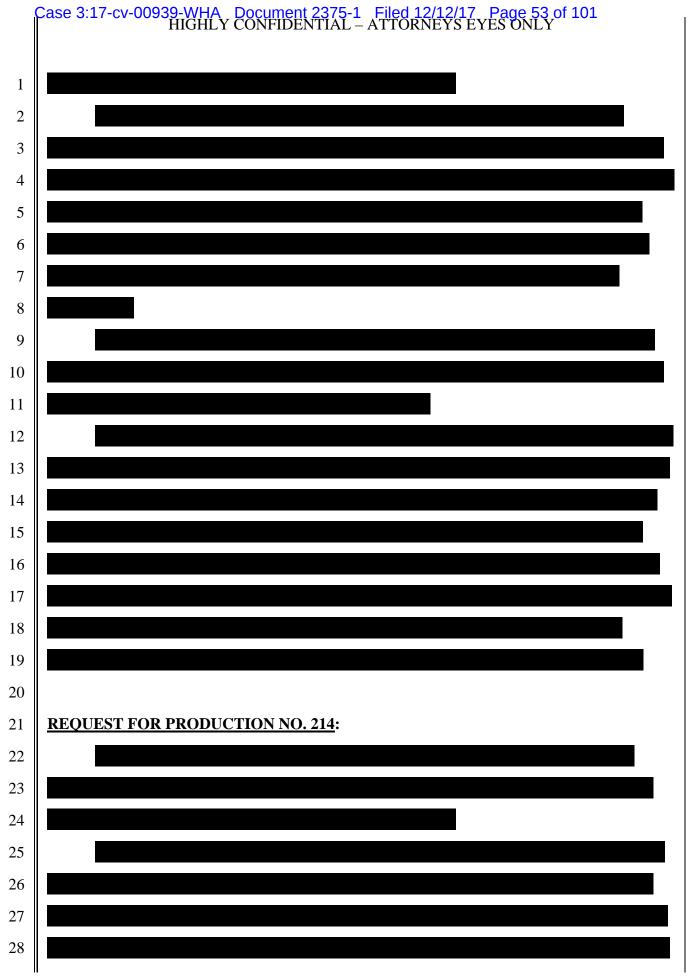


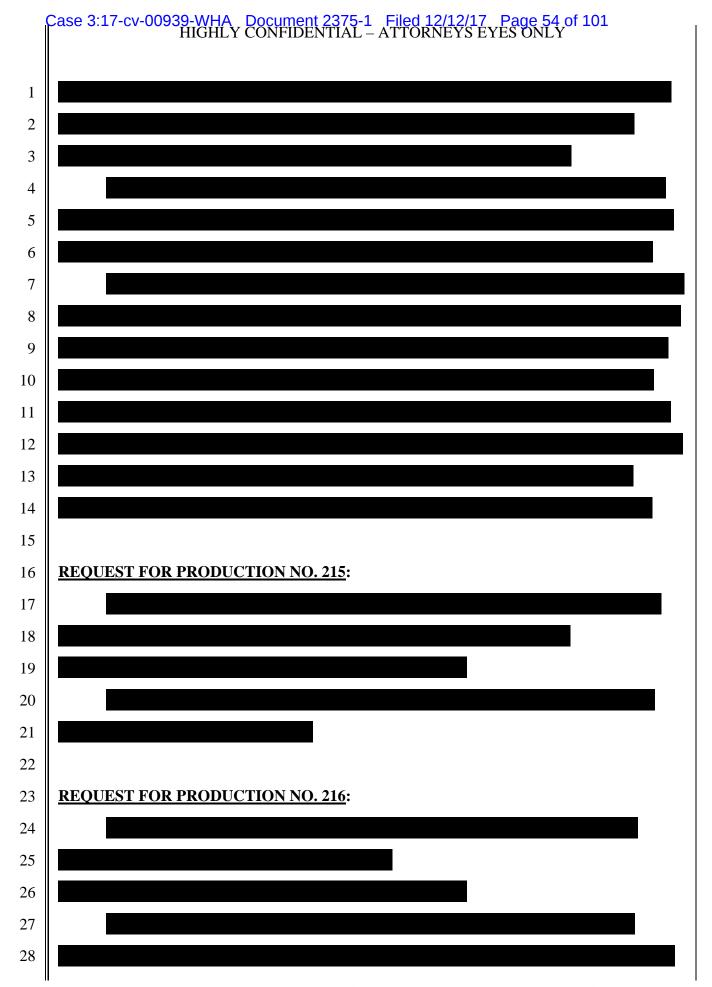


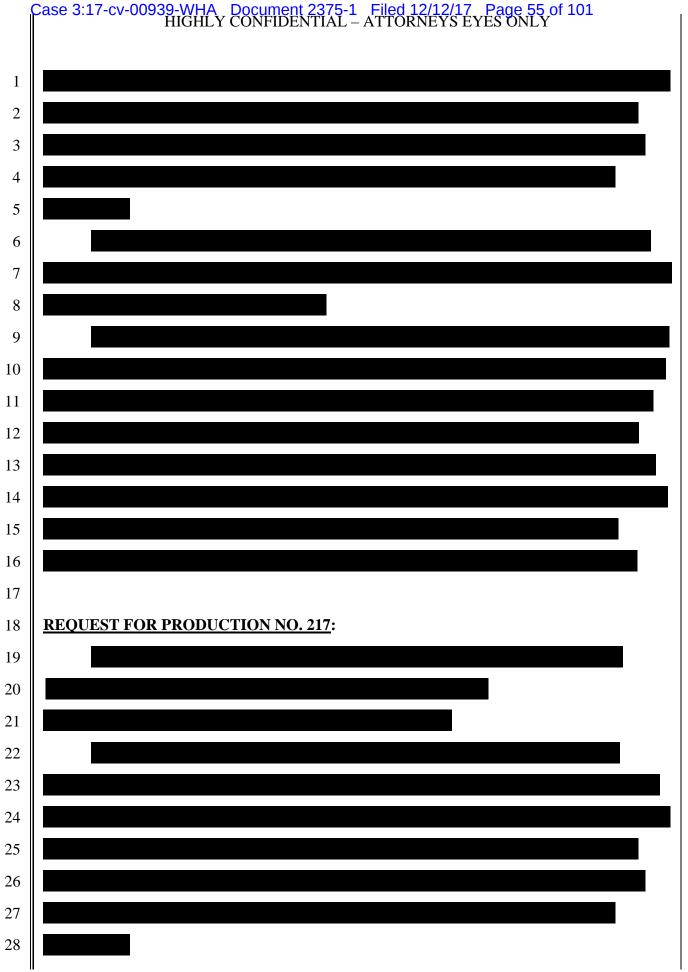


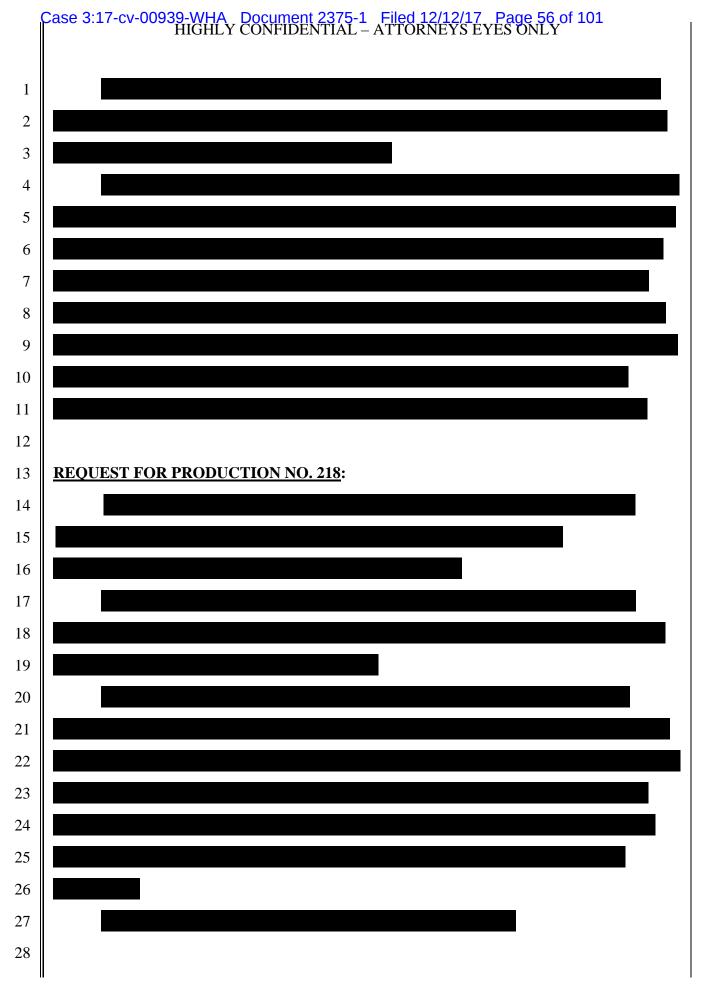


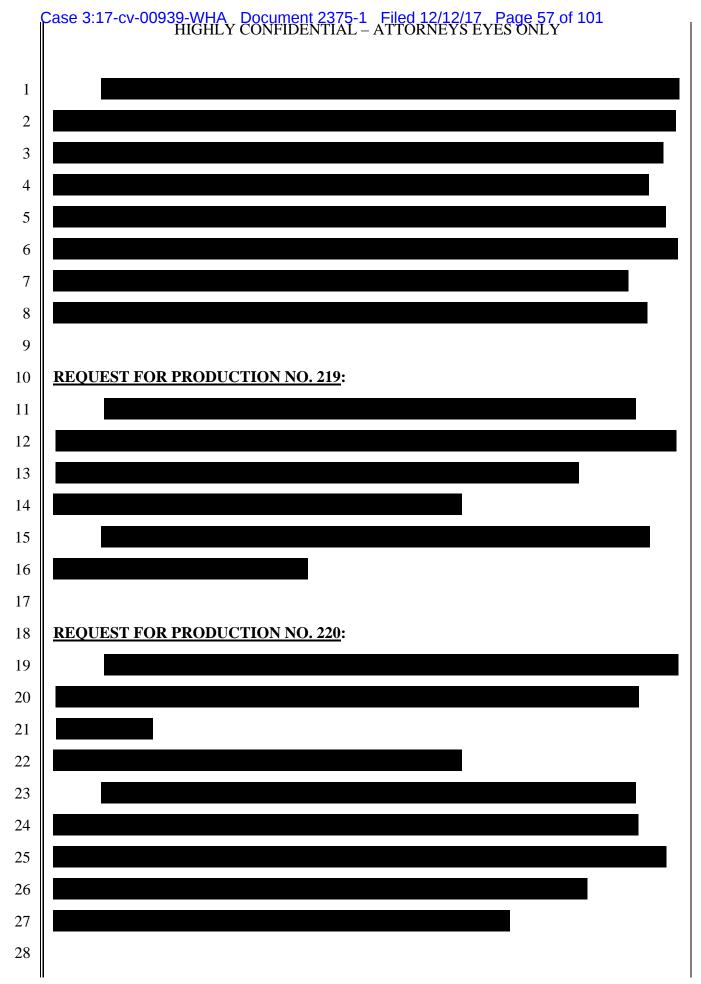


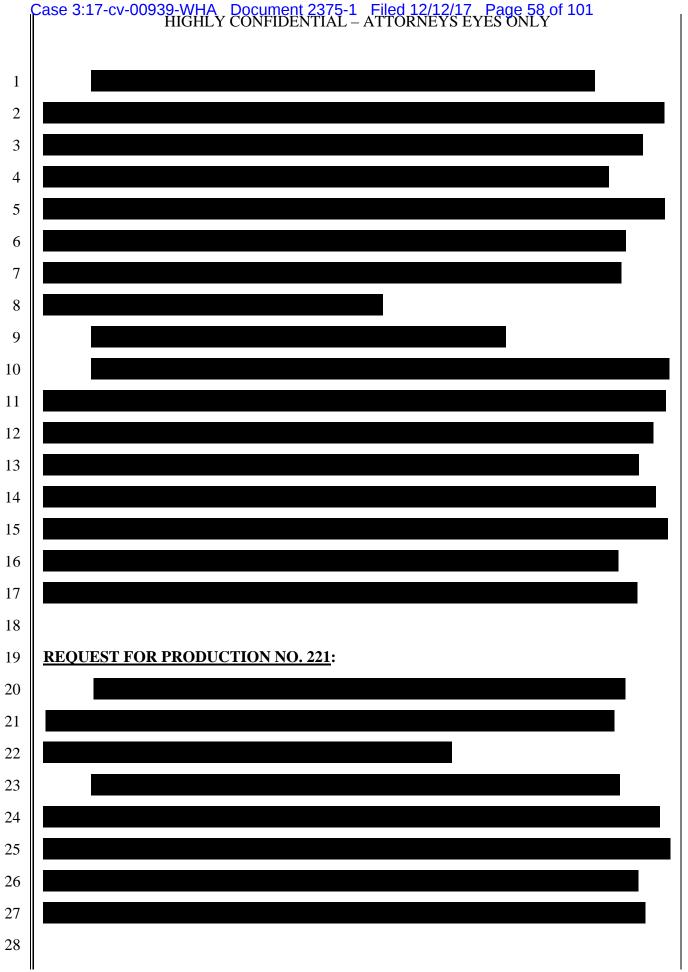


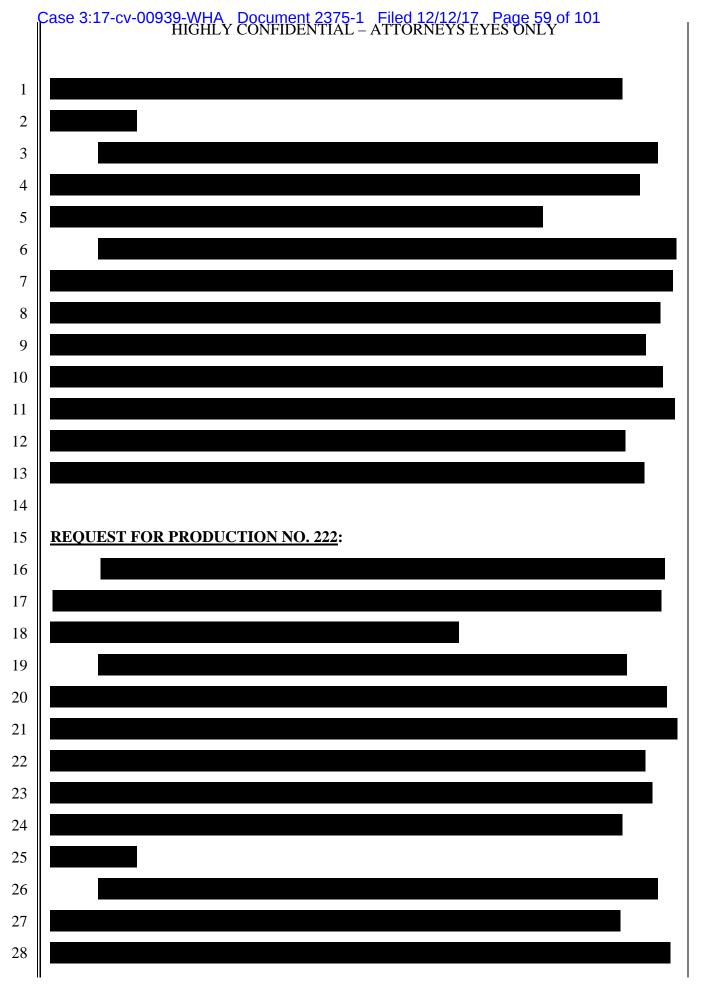


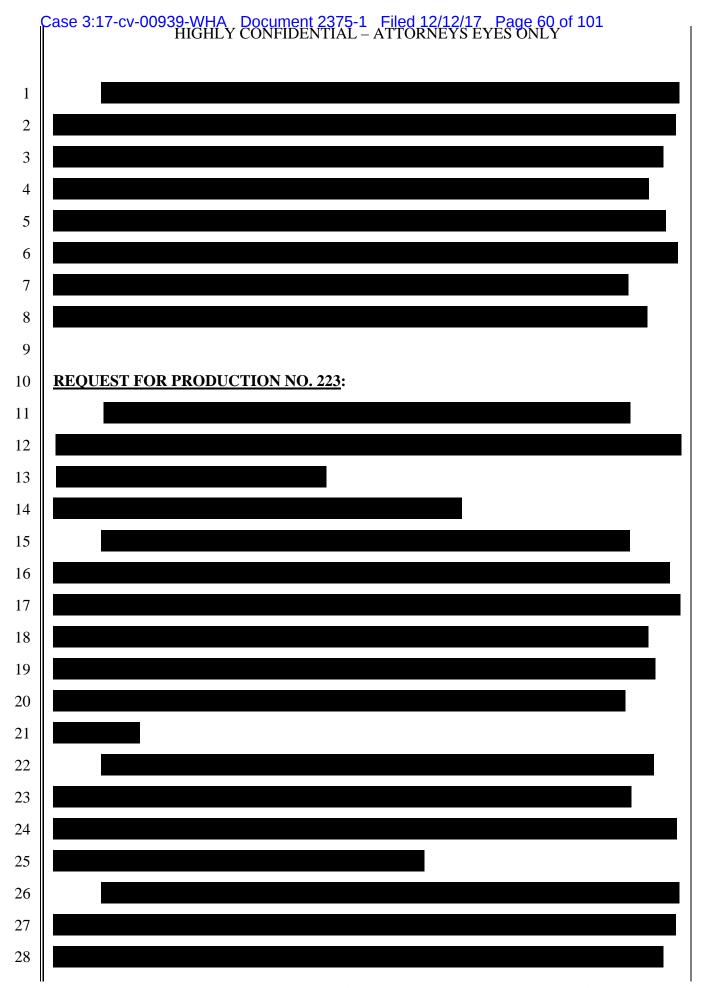


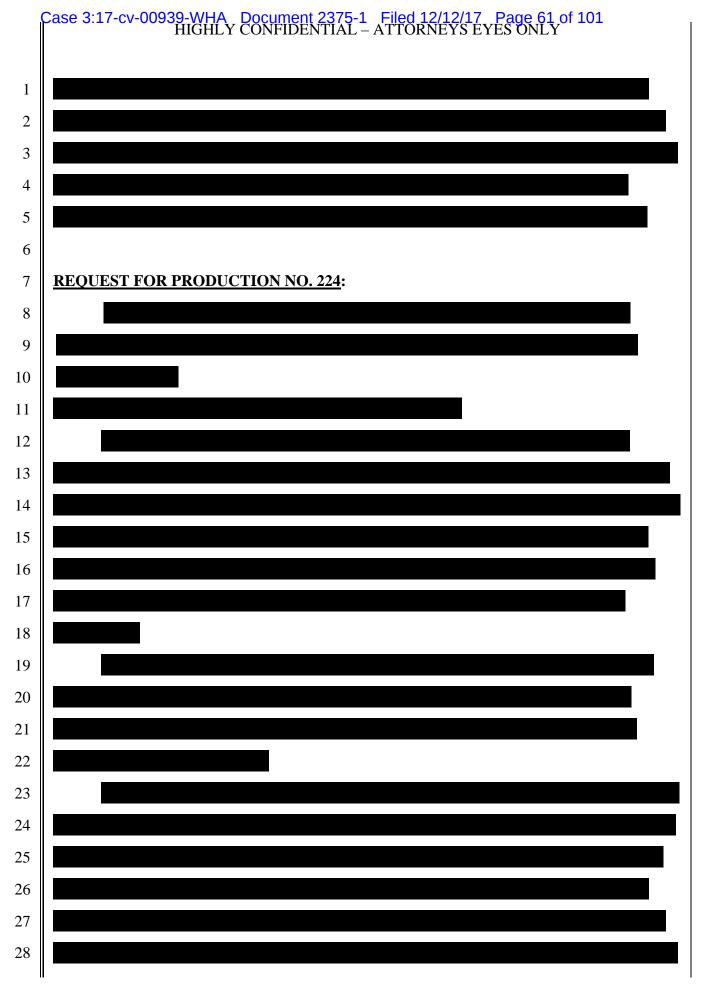


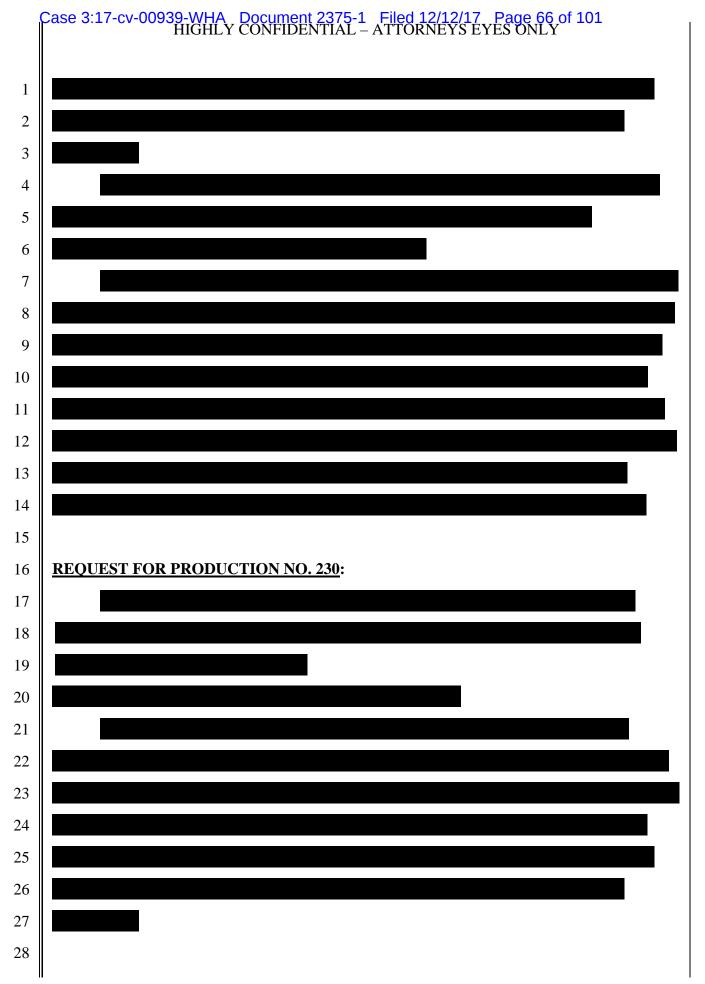


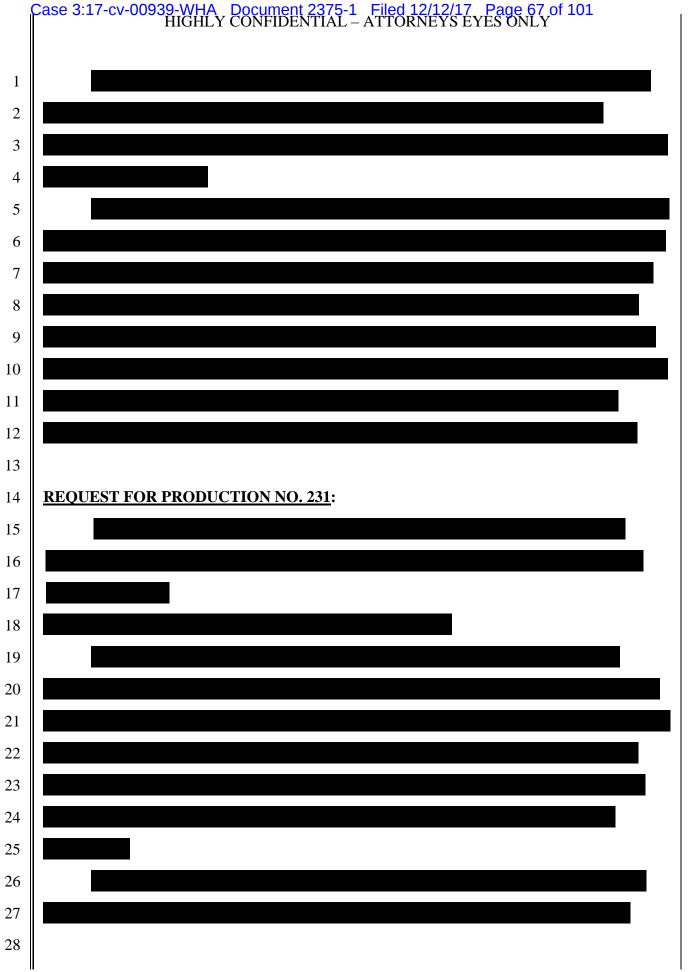


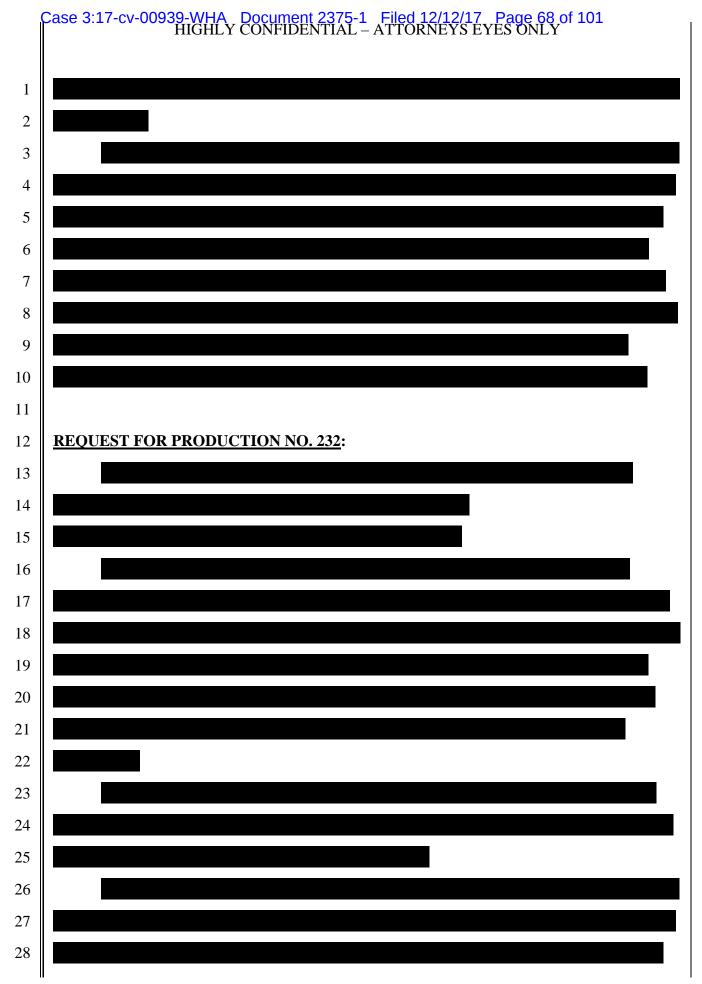


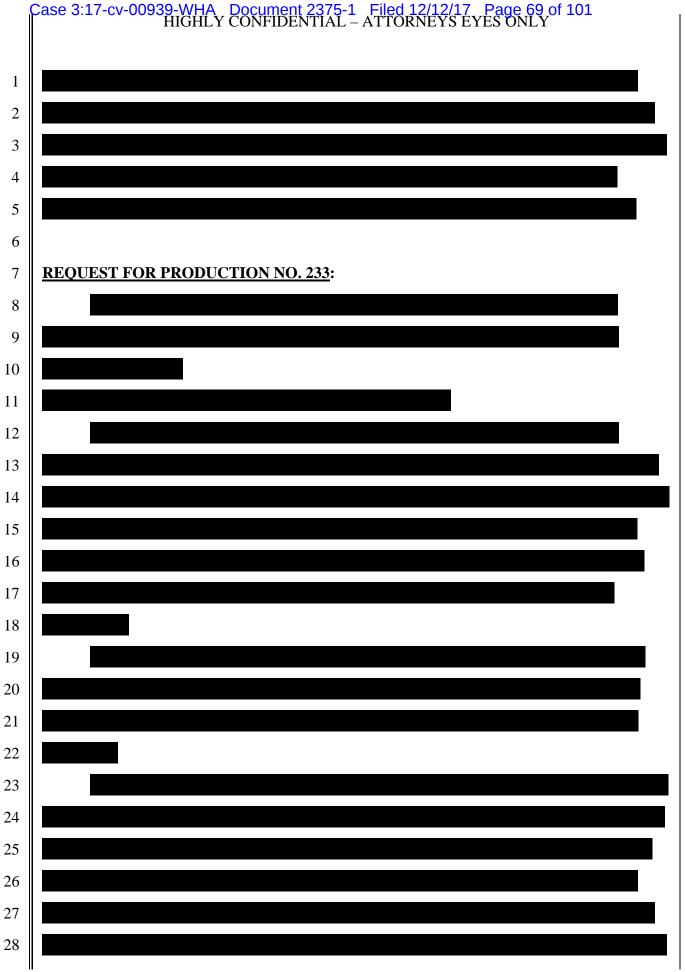


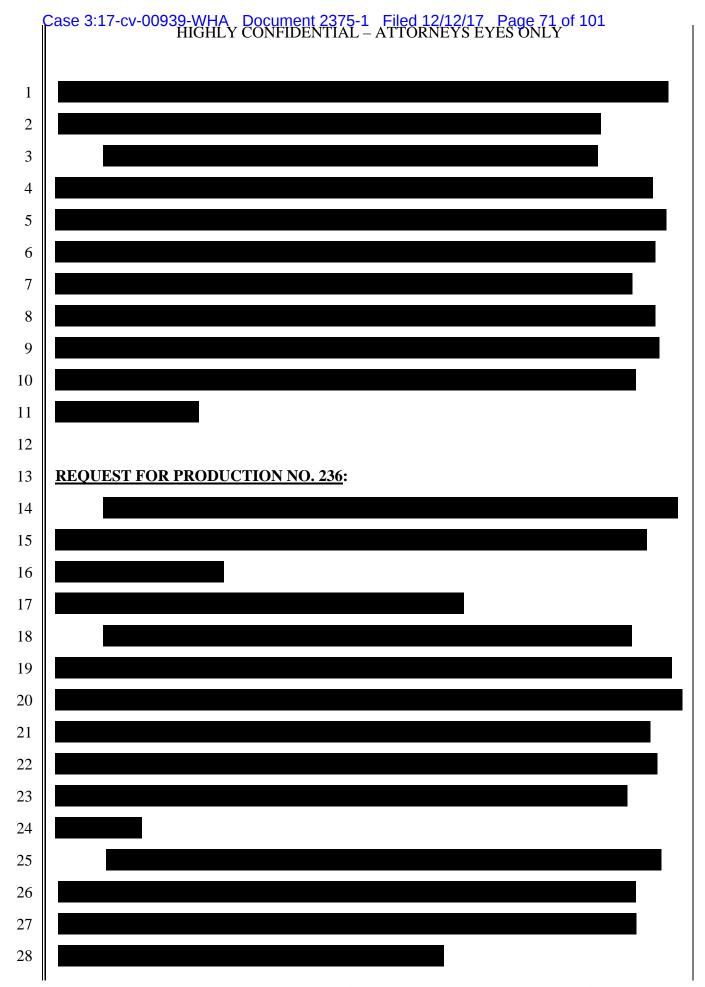


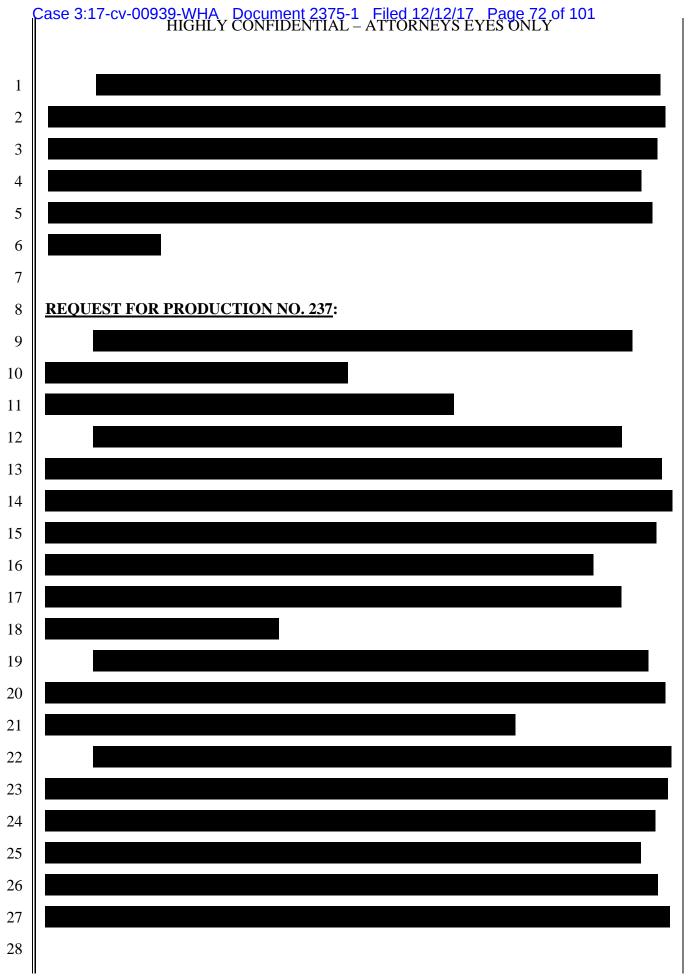


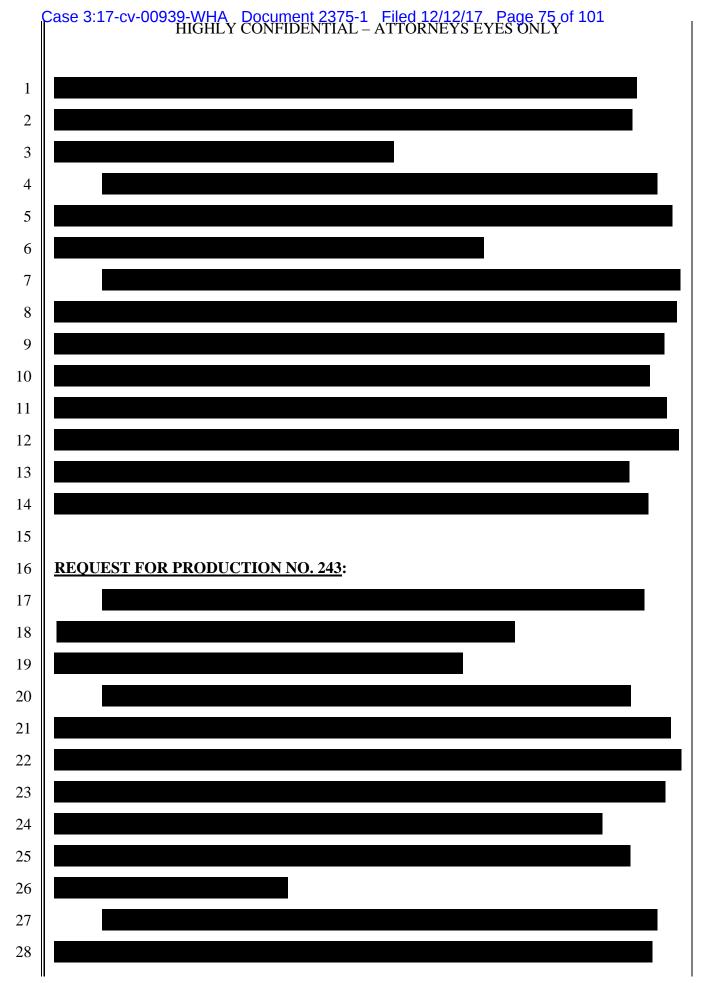


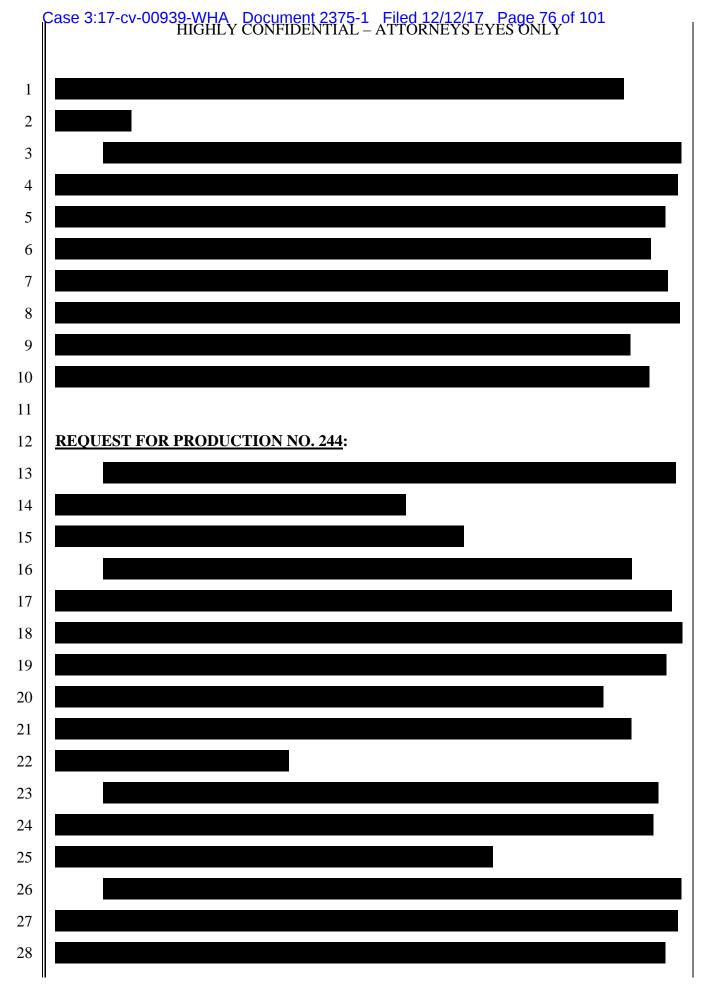


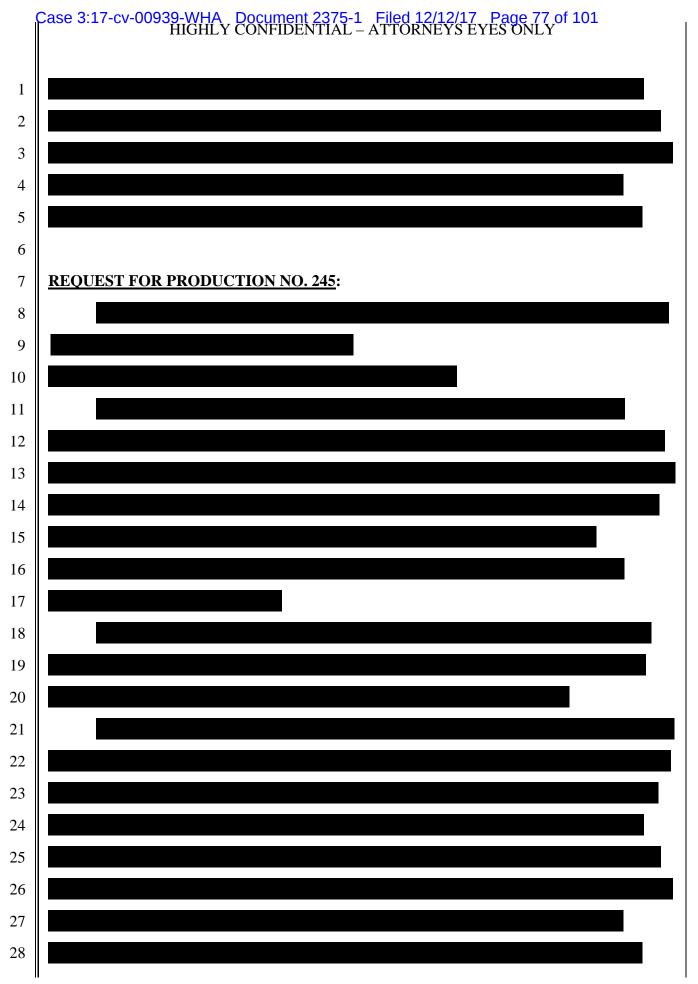


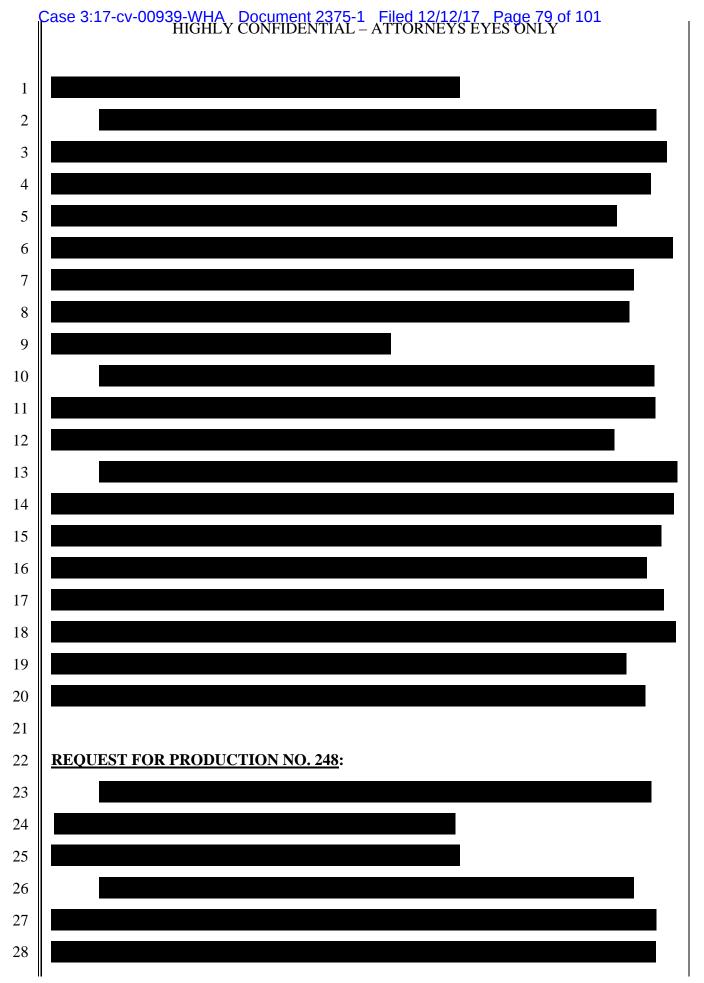


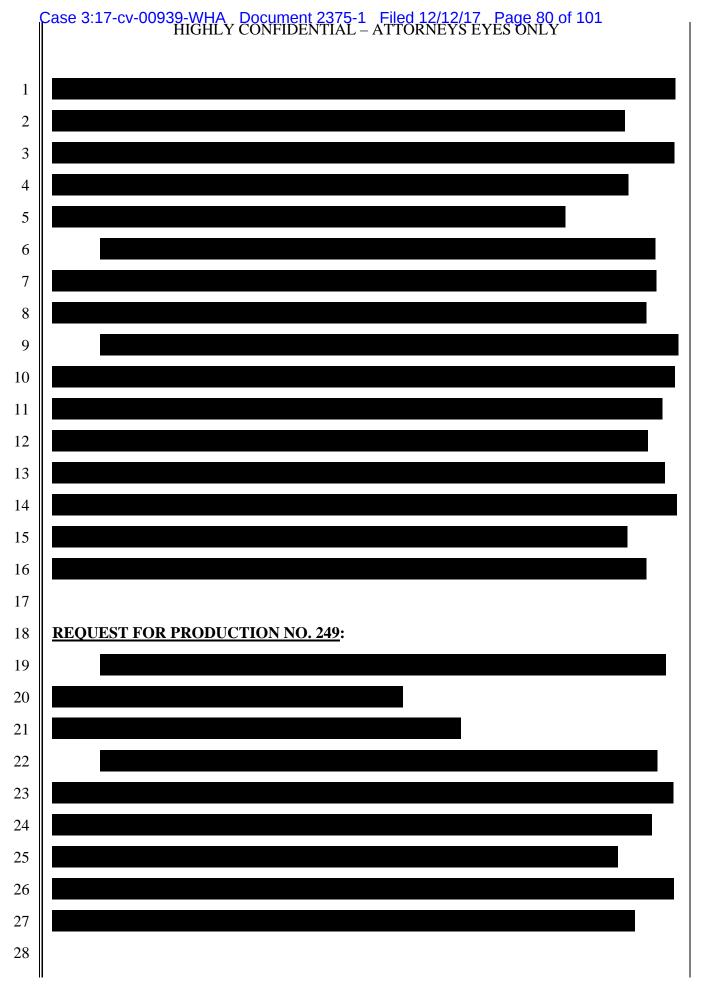


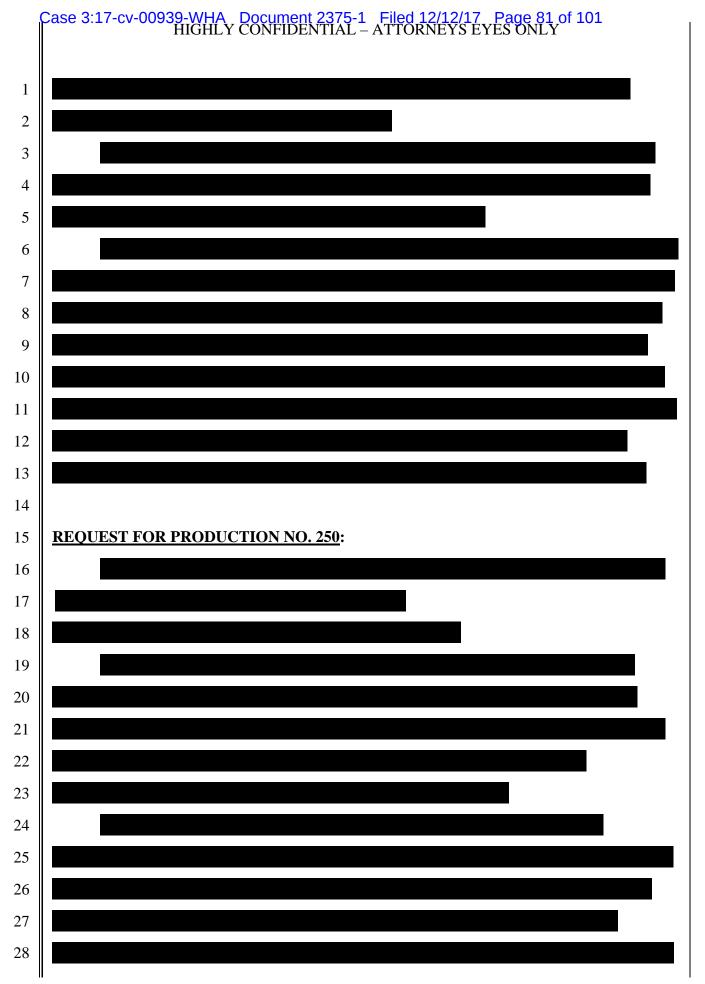


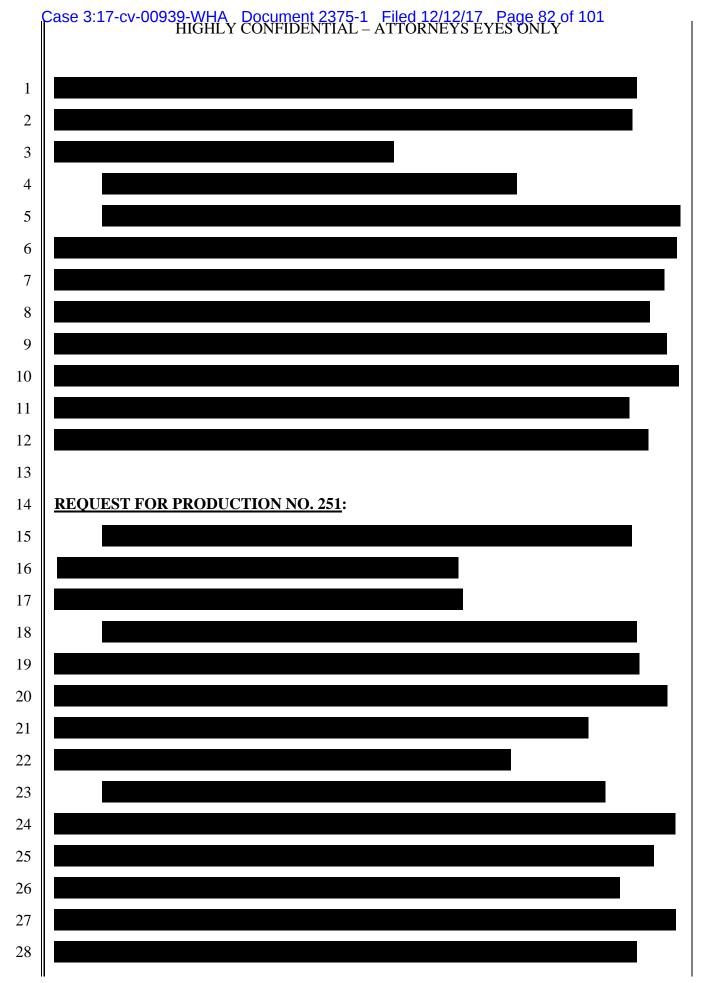












Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 84 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

Defendants will produce additional non-privileged documents and communications, if such documents exist and can be located through a reasonably diligent search, sufficient to show PCB design schematics for LiDAR transmit boards in LiDAR designs developed by Defendants.

To the extent this Request seeks anything other than the previously described information, Defendants object to this Request as unreasonably overbroad, irrelevant, outside the scope of this litigation, harassing, and not proportional to the needs of the case, including to the extent that it requests information about LiDAR designs developed by third-parties and to the extent that it seeks "all PCB design schematics." Defendants further object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request on the ground that the phrase "considered or implemented" is vague and ambiguous.

2.1

REQUEST FOR PRODUCTION NO. 253:

DOCUMENTS sufficient to show all PCB design schematics for LiDAR receive boards considered or implemented by DEFENDANTS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 253:

Defendants have already produced documents responsive to this Request, including without limitation documents produced in connection with Expedited Request for Production No. 1 and Expedited Interrogatory No. 22. Specifically, Defendants have produced circuit designs for the receive board, email correspondences with Gorilla Circuits and regarding the receive board and/or circuitry.

Defendants have made also available for inspection the Fuji device, Owl device, and Spider components. In addition, Defendants have made available for inspection Uber's facilities, email, computers, documents, design files, and source code in San Francisco and Pittsburgh on eight occasions. In doing so, Uber has made available for inspection over 383,000 emails and documents; the devices of Scott Boehmke, John Bares, Anthony Levandowski, Gaetan Pennecot, Daniel Gruver, James Haslim, and Asheem Linaval; and all four locations at which there is

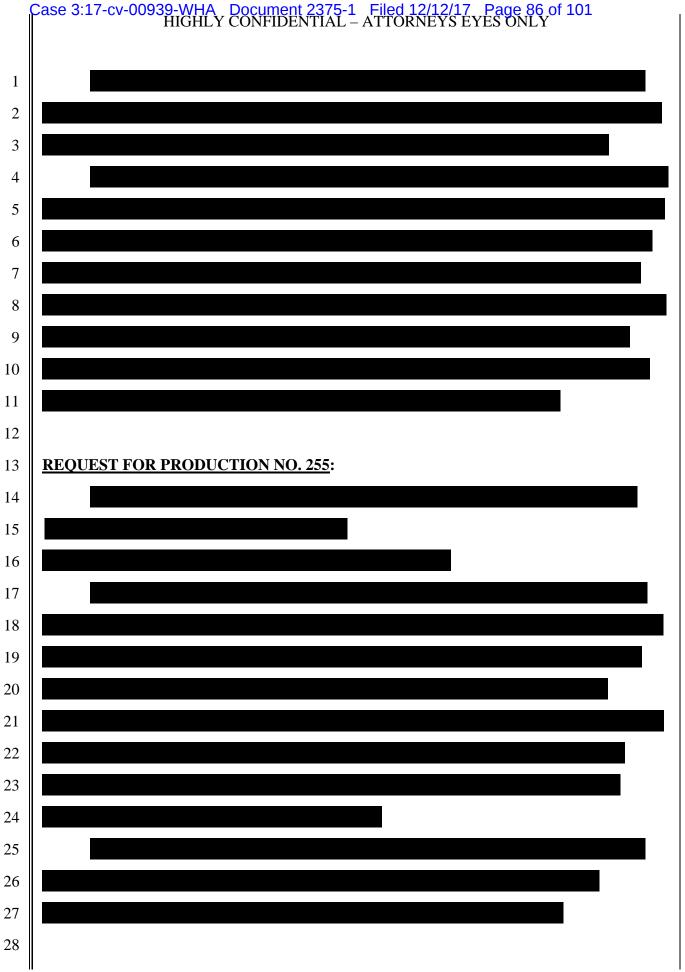
Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 85 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

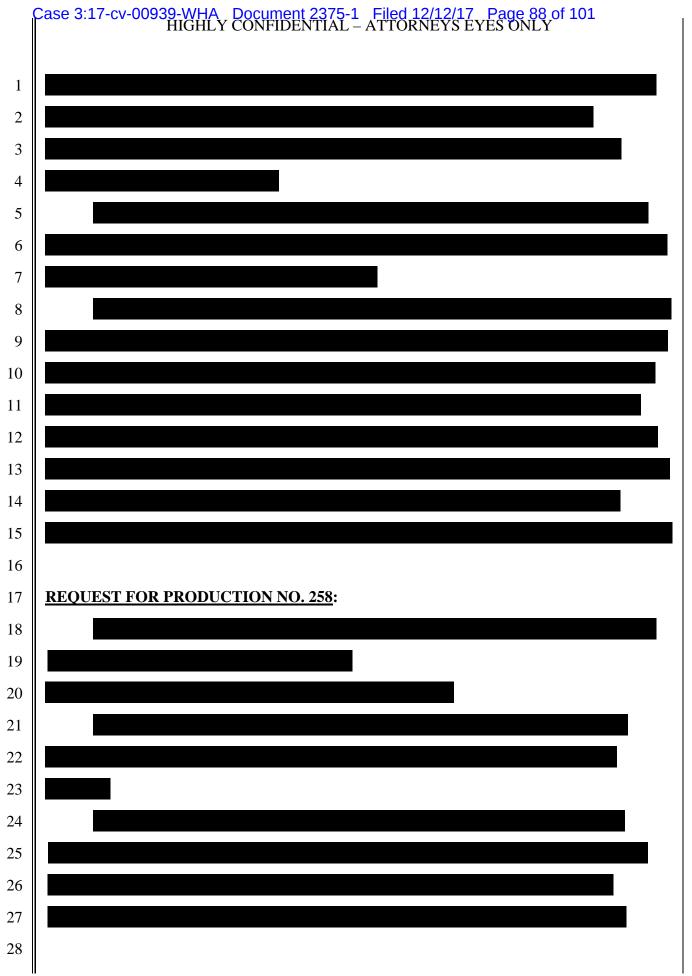
ongoing LiDAR development. To date, Waymo has conducted approximately 55 hours of inspection, with additional requests for investigation.

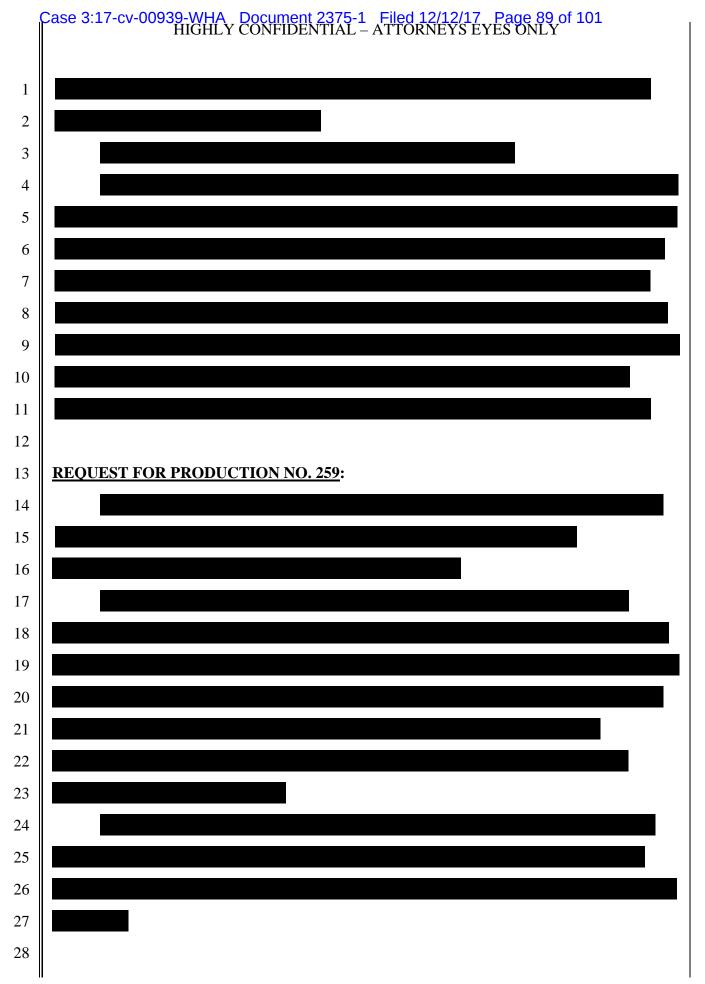
Defendants will produce additional non-privileged documents, if such documents exist and can be located through a reasonably diligent search, sufficient to show PCB design schematics for LiDAR receive boards in LiDAR designs developed by Defendants.

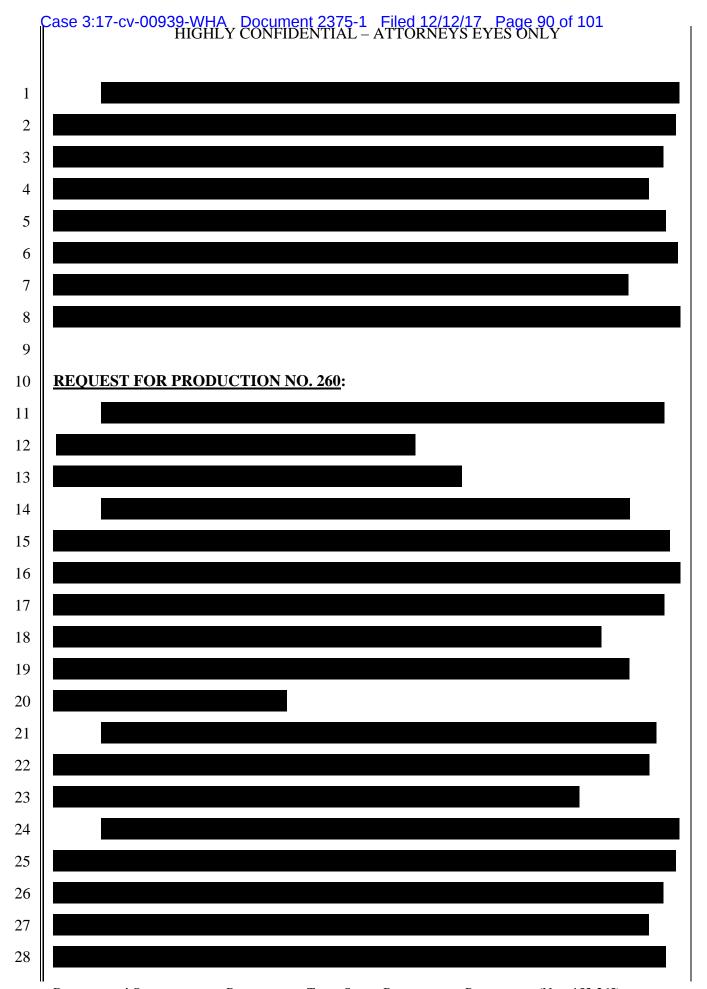
To the extent this Request seeks anything other than the previously described information, Defendants object to this Request as unreasonably overbroad, irrelevant, outside the scope of this litigation, harassing, and not proportional to the needs of the case, including to the extent that it requests information about LiDAR designs developed by third-parties and to the extent that it seeks "all PCB design schematics." Defendants further object to this Request to the extent that it seeks information protected by the attorney-client privilege or the work product doctrine or that is otherwise privileged or protected from discovery. Defendants further object to this Request on the ground that the phrase "considered or implemented" is vague and ambiguous.

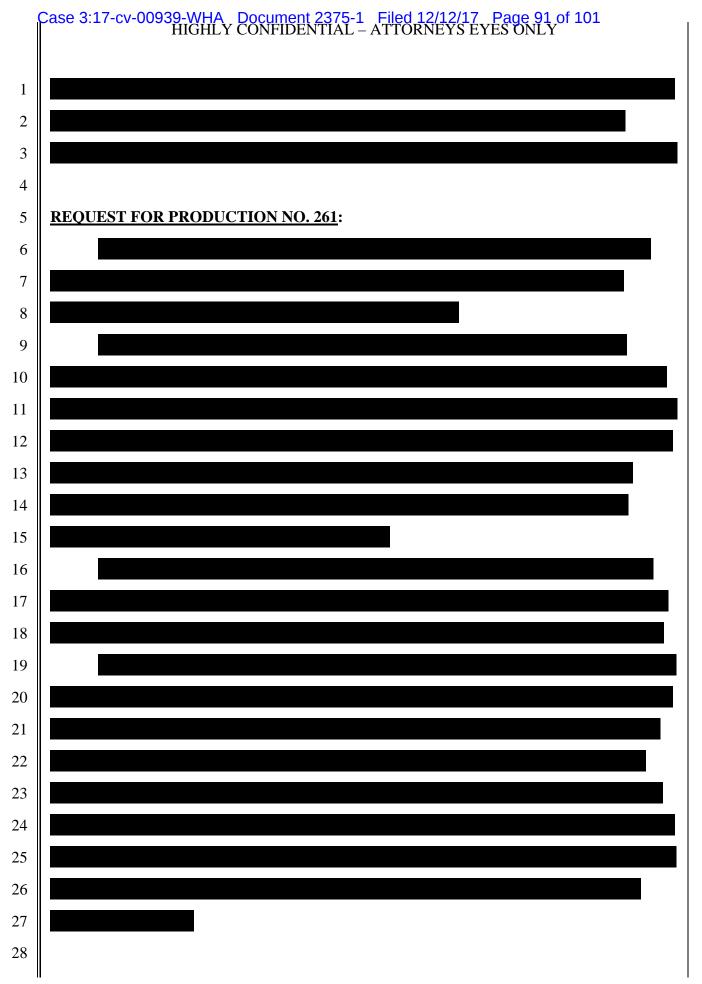
REQUEST FOR PRODUCTION NO. 254:

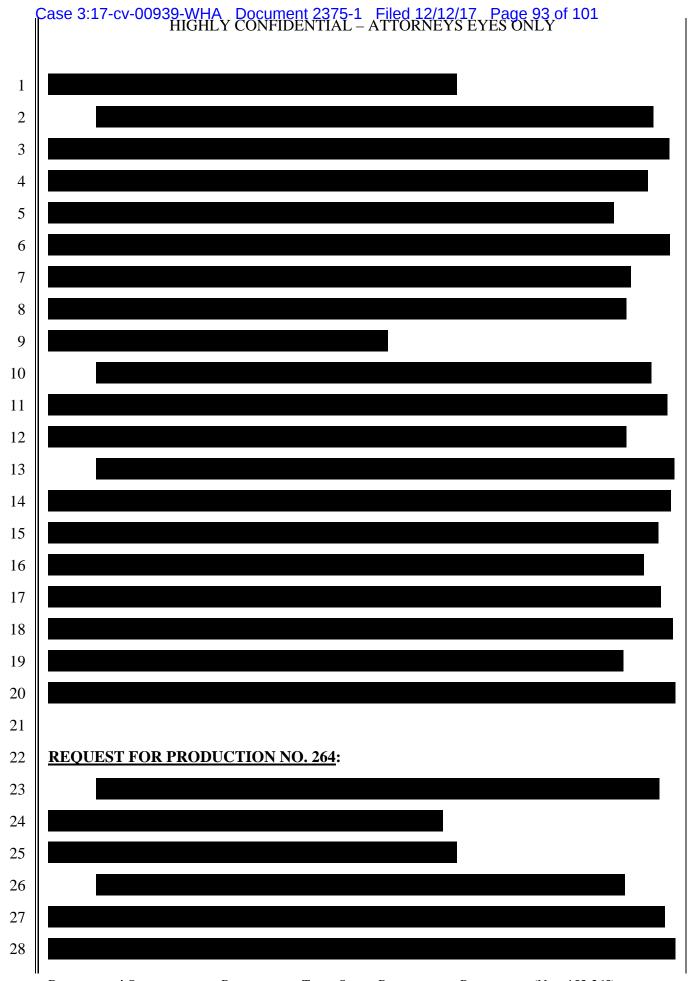


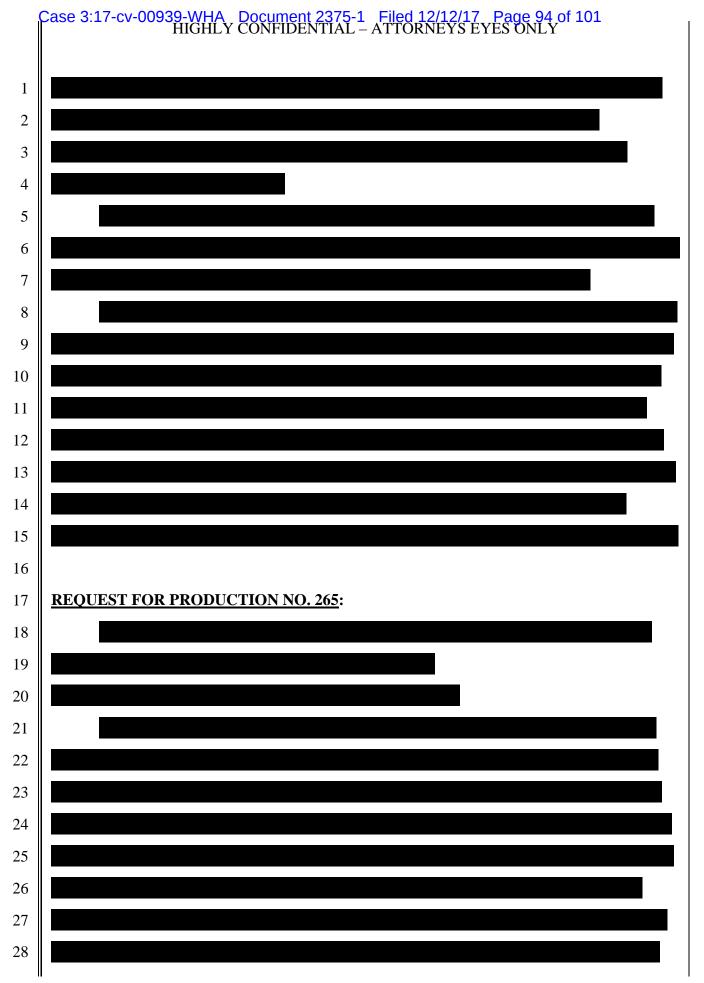


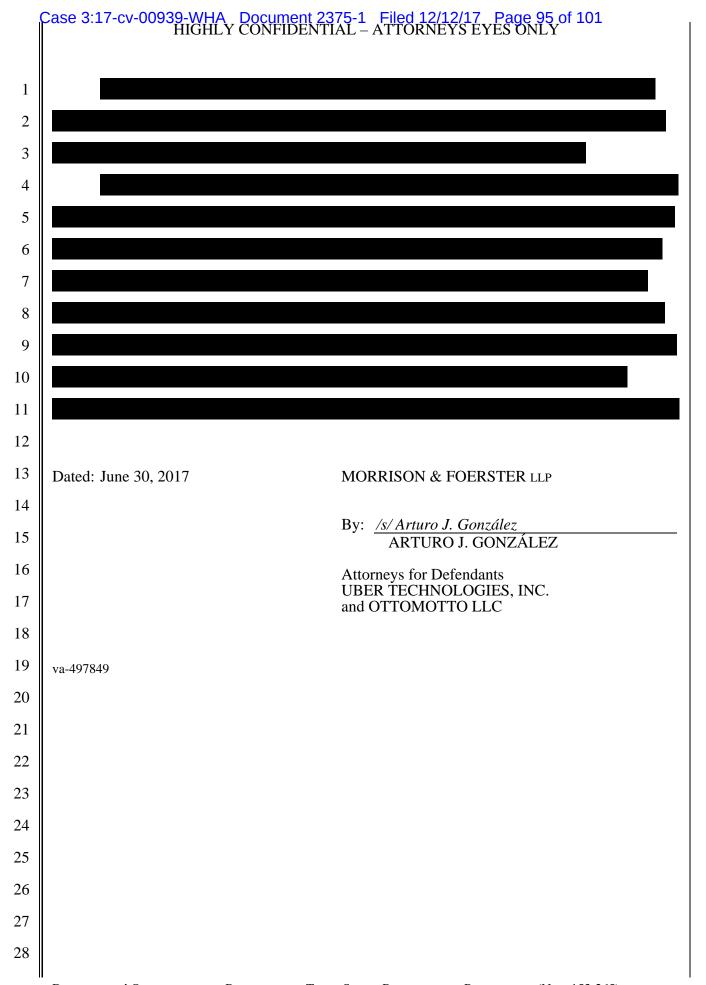












APPENDIX

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

2.1

22

23

24

25

26

27

28

Defendants further provide information on their collection efforts under Paragraph 13 of the Supplemental Order. As of June 30, 2017, Defendants have searched the following sources of information that may contain material responsive to Waymo's requests for production:

- Defendants' custodial document repositories (e.g., email repositories, Google
 Docs, locally stored electronic documents)
- Defendants' internal non-custodial document repositories (e.g., Slack channels, Git repository, LiDAR-related servers, personnel files)
- Publicly available websites on the Internet
- Data room for the Uber Ottomotto acquisition transaction

As of June 30, 2017, the following individuals employed by Defendants have searched for documents that may contain material responsive to Waymo's requests for production:

- Niranjan Arigai (Operations Program Manager) documents relating to LiDAR designs and development
- John Bares (Operations Director) documents and email communications
- Ben Becker (Software Engineer) documents relating to LiDAR designs and development
- Marlon Bocalan (Engineer) documents relating to LiDAR designs and development
- Scott Boehmke (Engineering Manager) documents and email communications relating to LiDAR designs and development
- Felipe Caldeira (Supply Chain Engineer) documents relating to LiDAR designs and development
- Prashant Chouta (Global Supply Management) documents and email communications relating to LiDAR designs and development
- Melanie Day (Software Engineer) documents relating to LiDAR designs and

DEFENDANTS' OBJECTIONS AND RESPONSES TO THIRD SET OF REQUESTS FOR PRODUCTION (Nos. 153-265) Case No. 3:17-cv-00939-WHA pa-1791825

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 97 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

| 1 1 , |
|---|
| development |
| Robert Doll (Senior Engineer) – documents and email communications relating to |
| LiDAR designs and development |
| Carolyn Finney (Mechanical Design Engineer) – documents relating to LiDAR |
| designs and development |
| Jim Gasbarro (Hardware Engineer) – documents and email communications |
| relating to LiDAR designs and development |
| Andrew Glickman (Senior Counsel) – electronic documents and email data |
| Daniel Gruver (Engineer, Program Manager) – documents and email |
| communications relating to LiDAR designs and development |
| James Haslim (Senior Engineering Manager) – documents and email |
| communications relating to LiDAR designs and development |
| Jeff Holden (Chief Product Officer) – electronic documents and email data |
| Florin Ignatescu (Electrical Engineer) – documents and email communications |
| relating to LiDAR designs and development |
| Travis Kalanick (former Chief Executive Officer) – email data and text messages |
| Mike Karasoff (Software Engineer) – documents relating to LiDAR designs and |
| development |
| Adam Kenvarg (Mechanical Engineer) – documents and email communications |
| relating to LiDAR designs and development |
| George Lagui (Engineer) – documents and email communications relating to |
| LiDAR designs and development |
| Anthony Levandowski (former Head of Advanced Technologies Group) – email |
| data and text messages |
| Max Levandowski (Mechanical Engineer) – documents and email communications |
| relating to LiDAR designs and development |
| Asheem Linaval (Hardware Engineer) – documents and email communications |
| relating to LiDAR designs and development |
| |

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 98 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY

| 1 | Tri Luong (Electrical Engineer) – documents relating to LiDAR designs and |
|----|---|
| 2 | development |
| 3 | Christian Lymn (Director, Corporate Legal Affairs) – electronic documents and |
| 4 | email data |
| 5 | Mark Marzona (Test Engineer) – documents relating to LiDAR designs and |
| 6 | development |
| 7 | Brian McClendon (former Vice President) – email data |
| 8 | Eric Meyhofer (Head of Advanced Technologies Group) – documents and email |
| 9 | communications relating to LiDAR designs and development |
| 10 | Matthew Palomar (Hardware Engineer) – documents relating to LiDAR designs |
| 11 | and development |
| 12 | Gaetan Pennecot (Optical Engineer) – documents and email communications |
| 13 | relating to LiDAR designs and development |
| 14 | Cameron Poetzscher (Vice President, Corporate Development) – electronic |
| 15 | documents and email data |
| 16 | Nina Qi (Senior Manager, Corporate Development) – electronic documents and |
| 17 | email data |
| 18 | Daniel Ratner (Mechanical Engineer) – documents and email communications |
| 19 | relating to LiDAR designs and development |
| 20 | Ana Rayo (Engineer) – documents relating to LiDAR designs and development |
| 21 | Ognen Stojanovski (Government Relations) – electronic documents and email data |
| 22 | John Tobias (Software Engineer) – documents relating to LiDAR designs and |
| 23 | development |
| 24 | William Treichler (Layout Engineer) – documents relating to LiDAR designs and |
| 25 | development |
| 26 | • Filip Trojanek (Engineer) – documents and email communications relating to |
| 27 | LiDAR designs and development |
| 28 | Vitaly Winter (Senior Test Development Engineer) – documents relating to |
| ı | ш |

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 755 Page Mill Road, Palo Alto, CA 94304. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on June 30, 2017, I served true and correct copies of the following documents:

• DEFENDANTS UBER TECHNOLOGIES, INC. AND OTTOMOTTO LLC'S OBJECTIONS AND RESPONSES TO WAYMO'S THIRD SET OF REQUESTS FOR PRODUCTION (NOS. 153-265)

BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. rule 5(b)] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system to the e-mail address(es) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

| Recipient | Email Address: |
|-----------------------------------|--------------------------|
| Charles K. Verhoeven | gewaymo@quinnemanuel.com |
| David A. Perlson | |
| Melissa Baily | |
| John Neukom | |
| Jordan Jaffe | |
| James D. Judah | |
| John W. McCauley | |
| Felipe Corredor | |
| Grant Margeson | |
| Andrew M. Holmes | |
| Jeff Nardinelli | |
| Lindsay Cooper | |
| QUINN EMANUEL URQUHART & | |
| SULLIVAN, LLP | |
| 50 California Street, 22nd Floor | |
| San Francisco, CA 94111-4788 | |
| Leo P. Cunningham | lcunningham@wsgr.com |
| Wilson Sonsini Goodrich & Rosati | |
| | |
| 650 Page Mill Road | |
| Palo Alto, CA 94304-1050 | |
| Attorneys for Plaintiff Waymo LLC | |

Case 3:17-cv-00939-WHA Document 2375-1 Filed 12/12/17 Page 101 of 101 HIGHLY CONFIDENTIAL – ATTORNEYS EYES ONLY I. Neel Chatterjee 1 nchatterjee@goodwinlaw.com GOODWIN PŘOCTER LLP bschuman@goodwinlaw.com 2 135 Commonwealth Drive rwalsh@goodwinlaw.com Menlo Park, CA94025 3 Brett M. Schuman Rachel M. Walsh 4 GOODWIN PROCTER LLP 5 Three Embarcadero Center San Francisco, CA 94111 6 Attorneys for Defendant Otto Trucking LLC John L. Cooper 7 JCooper@fbm.com Farella Braun + Martel LLP MCate@fbm.com 8 **Russ Building** 235 Montgomery Street, 17th Floor San Francisco, CA 94104 9 10 Special Master I declare under penalty of perjury that the foregoing is true and correct. Executed at Palo 11 Alto, California, this 30th day of June 2017. 12 13 Ethel Villegas /s/ Ethel Villegas (typed) (signature) 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28